

In the Matter Of:

IN RE DORA FONTAINE

DORA FONTAINE

March 16, 2016

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03/16/2016

**FONTAINE DORA
IN RE DORA FONTAINE**

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CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

-INTERVIEW OF DORA FONTAINE-
March 16, 2016

TRANSCRIPT OF INTERVIEW of DORA FONTAINE,
taken before MICHELLE M. YOHLER, a Notary Public
within and for the County of Cook, State of
Illinois, and a Certified Shorthand Reporter of
said state, CSR No. 84-4531, at Suite 800, 300
West Adams Street, Chicago, Illinois, on
March 16, 2016 at 12:18 p.m.

1 APPEARANCES:

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1 MR. NEUMER: As a preliminary matter, I am
2 providing the following information. An
3 independent certified court reporter is present
4 today to provide a verbatim transcript of this
5 interview.

6 To aid in the accuracy of the
7 transcript, it is the custom and practice of
8 court reporters to audio record the interview.
9 The recording is the confidential work product
10 property of the court reporter and will not be
11 provided to any party including the OIG. If you
12 request, the audio recording will be
13 discontinued.

14 So, Officer Fontaine, are you okay
15 with the court reporter?

16 THE WITNESS: Yes.

17 MR. NEUMER: Let the record reflect today's
18 date is March 16, 2016. The time is 12:18 p.m.
19 We are located at Amicus Court Reporters,
20 300 West Adams, Suite 800.

21 My name Peter Neumer, N-e-u-m-e-r,
22 the court reporter is Michelle Yohler, and I'd
23 ask that the other individuals present identify
24 themselves and spell their name for the record.

1 MR. BROWN: Kristohper Brown, B-r-o-w-n,
2 City of Chicago Inspector General's Office.

3 MS. RUSSELL: Jennifer Russell,
4 R-u-s-s-e-l-l, attorney for Officer Fontaine.

5 THE WITNESS: Officer Dora Fontaine, Star
6 Number 4484, City of Chicago, CPD.

7 MR. NEUMER: There are no other individuals
8 present. We are here today pursuant to an
9 investigation being conducted under Chapter 2-56
10 of the Municipal Code of the City of Chicago.
11 We're here for an interview of Dora Fontaine.

12 Officer Fontaine, would you please
13 raise your right hand, and if the court reporter
14 could swear Ms. Fontaine in.

15 (WHEREUPON, the witness was duly sworn.)

16 MR. NEUMER: Officer Fontaine, I am now
17 going to hand you a form that is marked
18 Advisement of Rights. This has already been
19 filled in with your name, my name, Investigator
20 Brown's name.

21 And I'm going to ask that you read
22 along with me as I go through, and then I would
23 just ask you -- after each paragraph, I'll ask
24 you to acknowledge that you have read the

1 paragraph that I have just read. So here's a
2 copy that's already been filled in.

3 (WHEREUPON, the document was
4 tendered to the witness.)

5 MR. NEUMER: So the Advisement of Rights
6 states, "I, Dora Fontaine, understand that I am
7 being interviewed by Peter Neumer and Kris Brown
8 from the City of Chicago Office of Inspector
9 General. I understand that this interview is
10 part of an official investigation and that I
11 have a duty to cooperate with the Office of
12 Inspector General which includes answering all
13 questions completely and truthfully."

14 Officer Fontaine, do you see the
15 paragraph I just read aloud to you?

16 THE WITNESS: I have read it.

17 MR. NEUMER: "I understand that I have no
18 right to remain silent. I understand that I
19 have an obligation to answer questions put to me
20 truthfully. I understand if I refuse to answer
21 questions put to me, I will be ordered by a
22 superior officer to answer the questions. I
23 further understand and I have been advised that
24 if I persist in my refusal to answer after an

1 order to do so, such further refusal constitutes
2 a violation of the rules and regulations of the
3 Chicago Police Department and may serve as the
4 basis for my discharge."

5 Officer Fontaine, do you see the
6 paragraph I just read aloud to you?

7 THE WITNESS: I have.

8 MR. NEUMER: "I understand and have been
9 advised that my statements and responses may
10 constitute an official police report. I
11 understand that Rule 14 of the Chicago Police
12 Department's rules and regulations prohibits
13 making a false report, written or oral, and I
14 further understand making such false report,
15 whether written or oral, may result in my
16 separation from the Chicago Police Department."

17 Officer Fontaine, do you see the
18 paragraph I just read aloud to you?

19 THE WITNESS: Yes, I have.

20 MR. NEUMER: "I understand that any
21 statement made by me during this interview may
22 be used as evidence of misconduct or as the
23 basis for disciplinary action up to and
24 including removal or discharge."

1 Officer Fontaine, do you see the
2 paragraph I just read aloud to you?

3 THE WITNESS: Yes, I have.

4 MR. NEUMER: "I understand that any
5 statement made by me during this interview and
6 the fruits thereof cannot be used against me in
7 a criminal proceeding."

8 Officer Fontaine, do you see the
9 paragraph I just read aloud to you?

10 THE WITNESS: Yes, I have.

11 MR. NEUMER: "I understand that I have the
12 right to have a union representative or legal
13 counsel of my choosing present at the interview
14 to consult with and I will be given a reasonable
15 time to obtain a union representative or legal
16 counsel as long as the interview is not unduly
17 detailed."

18 Officer Fontaine, do you see the
19 paragraph I just read aloud to you?

20 THE WITNESS: Yes, I have.

21 MR. NEUMER: "I understand that a refusal
22 to answer any question or any false, inaccurate,
23 or deliberately incomplete statement by me would
24 constitute a violation of Chicago Municipal

1 Ordinance 2-56 and may serve as the basis for my
2 discharge."

3 Officer Fontaine, do you see the
4 paragraph I just read aloud to you?

5 THE WITNESS: Yes, I have.

6 MR. NEUMER: "I acknowledge that this
7 statement of my administrative rights has been
8 read aloud to me and I have been allowed to
9 review this document."

10 Officer Fontaine, do you see the
11 paragraph I just read aloud to you?

12 THE WITNESS: Yes, I have.

13 MR. NEUMER: I would now ask you to sign
14 the Advisement of Rights.

15 MS. RUSSELL: Prior to Officer Fontaine
16 signing these rights, can you please provide me
17 the Inspector General's position on whether they
18 believe that criminal charges are probable in
19 this matter.

20 MR. NEUMER: So in response to your
21 statement, I would tell you that the Office of
22 Inspector General is conducting an
23 administrative investigation, not a criminal
24 investigation. OIG is not conducting a joint

1 investigation and is not working with any other
2 law enforcement agency with respect to this
3 investigation.

4 MS. RUSSELL: So is it the Inspector
5 General's position that criminal charges are not
6 probable against Officer Fontaine?

7 MR. NEUMER: It is the OIG's position that
8 this is -- that the OIG is not conducting a
9 criminal investigation.

10 MS. RUSSELL: So my question was, do you
11 believe criminal charges are probable or not
12 probable? What is the Inspector General's
13 position on that?

14 MR. NEUMER: We don't have a criminal
15 investigation here.

16 MS. RUSSELL: So is it correct to say that
17 you believe that criminal charges are not
18 probable?

19 MR. NEUMER: What we can say is, based on
20 the investigation that the Office of Inspector
21 General is conducting, this investigation
22 pursuant to which Officer Fontaine is being
23 interviewed, it is not a criminal investigation.

24 We are the -- the rights we just read

1 Officer Fontaine are compelled administrative
2 rights, and, as Officer's been advised, the
3 statements you make during this interview cannot
4 be used against you in a criminal proceeding.

5 MS. RUSSELL: So as you are aware, the
6 union has filed an injunction on behalf of
7 Officer Fontaine and similarly-situated officers
8 regarding their rights per the contract,
9 regardless of whether the Inspector General
10 deems their investigation administrative or
11 otherwise, that the officer has the right to
12 receive her constitutional advisements to remain
13 silent if criminal charges are probable, not
14 whether the Office of Inspector General is
15 conducting an administrative or has deemed it
16 any other type of investigation.

17 Can we take a minute?

18 MR. NEUMER: Sure. We'll go off the
19 record. The time is 12:25 p.m.

20 (WHEREUPON, a recess was had.)

21 MR. NEUMER: We're back on the record. The
22 time is 12:27 p.m.

23 Officer Fontaine, I understand you
24 have a statement you would like to make?

1 THE WITNESS: I would like to preface the
2 statement with the following: I believe I am
3 entitled to be informed of my Constitutional
4 rights to remain silent. I have received no
5 assurance from the Office of Inspector General
6 that criminal charges are not probable.

7 Proceeding with this statement is in
8 violation of the applicable Collective
9 Bargaining Agreement, but I have been advised
10 that I will lose my job if I refuse to provide a
11 statement.

12 MR. NEUMER: The Office of Inspector
13 General would note that the outcome of this
14 administrative investigation relates to the
15 subject's employment, and, therefore, under the
16 CBA and General Order the administrative rights
17 OIG has provided Officer Fontaine are
18 appropriate.

19 In addition, the arguments being put
20 forward would eviscerate Garrity, and we are
21 going to proceed as we believe we are legally
22 entitled to.

23 MS. RUSSELL: At this point, as counsel on
24 behalf of Officer Fontaine, we are seeking an

1 order from a senior officer before she proceeds.

2 MR. NEUMER: Officer Fontaine, is it fair
3 to say that you will not answer questions from
4 the Office of Inspector General regarding the
5 Laquan McDonald shooting?

6 THE WITNESS: Absent an order of a senior
7 officer.

8 MR. NEUMER: You will not answer questions
9 regarding the Laquan McDonald shooting?

10 THE WITNESS: Correct.

11 MR. NEUMER: At this time I am going to
12 place a phone call to Commander Robert Klimas.

13 Counsel, is it fair to say that you
14 agreed that we could have Commander Klimas order
15 Officer Fontaine to answer questions via
16 telephone?

17 MS. RUSSELL: Correct.

18 MR. NEUMER: The time is 12:30 and we're
19 going to go off the record.

20 (WHEREUPON, discussion was
21 had off the record.)

22 MR. NEUMER: The time is 12:31 p.m. We'll
23 go back on the record. Counsel has agreed to
24 have us place the call to Commander Klimas via

1 Mr. Neumer's Blackberry.

2 MS. RUSSELL: That's correct.

3 (PHONE RINGING.)

4 COMMANDER KLIMAS: Bob Klimas.

5 MR. NEUMER: Bob, I have you on
6 speakerphone. This is Peter Neumer from the
7 Chicago Inspector General's Office. Can you
8 hear me?

9 COMMANDER KLIMAS: Yes, I can.

10 MR. NEUMER: Officer Fontaine, can you hear
11 Commander Klimas?

12 THE WITNESS: Yes, I can.

13 MR. NEUMER: Commander Klimas, we are
14 currently in a court-reported interview of
15 Officer Dora Fontaine. Her counsel, Jennifer
16 Russell, is here, Investigator Kris Brown, and
17 Assistant Inspector General Peter Neumer are all
18 here.

19 The Office of Inspector General,
20 having provided appropriate notice to
21 Officer Fontaine of this interview, is
22 attempting to ask Officer Fontaine questions
23 regarding the Laquan McDonald shooting. She has
24 refused to answer questions regarding the

1 shooting absent a command from her superior
2 officer, so I am asking you, Commander Klimas,
3 to order Officer Fontaine to answer the
4 Inspector General's questions.

5 COMMANDER KLIMAS: This is Commander Robert
6 Klimas, K-l-i-m-a-s, with the Chicago Police
7 Department, Bureau of Internal Affairs.

8 Officer Dora Fontaine, I'm giving you
9 a direct order to answer all the questions posed
10 to you today by Peter Neumer or his designees
11 from the Office of Inspector General, City of
12 Chicago.

13 THE WITNESS: Thank you. Yes, sir.

14 COMMANDER KLIMAS: Very good. Thank you.

15 MR. NEUMER: Thank you.

16 So with respect to -- I think where
17 we were was the advisement form. We had made it
18 through the end and we had asked that you sign
19 the advisement form.

20 MS. RUSSELL: Tendering it back to you.

21 MR. NEUMER: And we are going to mark this
22 Advisement of Rights form as Exhibit 1.

23

24

1 (WHEREUPON, a certain document was marked
2 Exhibit No. 1, for identification, as of
3 03/16/2016.)

4 BY MR. NEUMER:

5 Q. And now I am going to mark several
6 exhibits now. Officer Fontaine, these are
7 exhibits that should have been provided to you,
8 and I think were provided to you by IAD on
9 February 22, 2016.

10 So first is what we're going to mark
11 as Exhibit 2, a document entitled Notification
12 of Interview for CPD Member dated February 22,
13 2016.

14 (WHEREUPON, a certain document was marked
15 Exhibit No. 2, for identification, as of
16 03/16/2016.)

17 BY MR. NEUMER:

18 Q. Officer Fontaine, have you seen this
19 Notice of Interview previously?

20 A. Yes.

21 Q. And did IAD provide you with this
22 Notice of Interview on or about February 22,
23 2016?

24 A. Yes.

1 Q. I am now going to mark as Exhibit 3 a
2 document titled Notification of Allegations also
3 dated February 22, 2016.

4 (WHEREUPON, a certain document was marked
5 Exhibit No. 3, for identification, as of
6 03/16/2016.)

7 BY MR. NEUMER:

8 Q. Same question, have you seen the
9 Notification of Allegations document previously?

10 A. Yes.

11 Q. And did IAD provide you with this
12 Notification of Allegations on or about
13 February 22, 2016?

14 A. Yes.

15 Q. I am now going to mark as Exhibit 4 a
16 document entitled Receipt Form dated
17 February 22, 2016.

18 (WHEREUPON, a certain document was marked
19 Exhibit No. 4, for identification, as of
20 03/16/2016.)

21 BY MR. NEUMER:

22 Q. Have you seen this receipt form
23 previously, Officer Fontaine?

24 A. Yes.

1 Q. And did you sign this Receipt Form on
2 February 22, 2016?

3 A. Yes.

4 Q. And actually I should ask you the
5 same question with respect to Exhibits 2 and 3,
6 which I'll just put back in front of you.

7 Did you sign Exhibits 2, the Notice
8 of Appearance, and Exhibit 3, the Notification
9 of Allegations on February 22, 2016?

10 A. Yes.

11 MS. RUSSELL: For the record, regarding
12 Exhibit Number 4, while it indicates that audio
13 files were provided to Officer Fontaine from
14 Beat Number 813 Robert and 845 Robert, no audio
15 files were found on the disk she was provided.

16 BY MR. NEUMER:

17 Q. I'm now going to mark as Exhibit 5
18 what is an excerpt of a CPD Case Supplementary
19 Report dated March 16, 2015, with the RD Number
20 HX475653 containing Officer Fontaine's statement
21 to Detective March?

22 (WHEREUPON, a certain document was marked
23 Exhibit No. 5, for identification, as of
24 03/16/2016.)

1 BY MR. NEUMER:

2 Q. Officer Fontaine, have you seen the
3 Exhibit 5 document, the Case Supplementary
4 Report excerpt?

5 MR. NEUMER: We'll go off the record. The
6 time is 12:38.

7 (WHEREUPON, discussion was
8 had off the record.)

9 MR. NEUMER: The time is 12:40 p.m. We're
10 back on the record.

11 BY MR. NEUMER:

12 Q. So I will ask you the question again.
13 With respect to Exhibit 5, excerpt of a CPD Case
14 Supplementary Report with the RD Number
15 HX475653, Officer Fontaine, have you seen this
16 document before?

17 A. Yes.

18 Q. And did IAD provide you with this
19 document on or about February 22, 2016?

20 A. Yes.

21 Q. I am now going to provide you with a
22 document that has been previously marked
23 Exhibit 6. This is a General Progress Report
24 dated October 20th, 2014, with the RD Number

1 HX475653 containing Detective March's notes of
2 his interview with Officer Fontaine.

3 (WHEREUPON, a certain document was marked
4 Exhibit No. 6, for identification, as of
5 03/16/2016.)

6 BY MR. NEUMER:

7 Q. Officer Fontaine, have you seen the
8 General Progress Report marked as Exhibit 6?

9 A. Yes.

10 Q. I should say, have you seen it prior
11 to today?

12 A. Yes.

13 Q. Did IAD provide you with the General
14 Progress Report marked as Exhibit 6 on or about
15 February 22, 2016?

16 A. Yes.

17 Q. In order to prepare for today's
18 interview, did you review the materials that IAD
19 provided you, the Exhibits 2, 3, 4, 5, and 6 we
20 showed you?

21 MS. RUSSELL: She has a preliminary
22 statement she wants to make. Is now the
23 appropriate time or when we get into the
24 interview proper?

1 MR. NEUMER: I think if you want to make
2 that preliminary statement now, that's fine.
3 I'm just going to ask about sort of these
4 materials. So I'll leave it up to you.

5 MS. RUSSELL: Let's just wait until after
6 the exhibits.

7 MR. NEUMER: And then if you feel we're
8 getting too far into the substance, stop me and
9 we'll go forward.

10 MS. RUSSELL: Okay.

11 BY MR. NEUMER:

12 Q. In order to prepare for today's
13 interview, Officer Fontaine, did you review the
14 materials that IAD provided you from OIG
15 including the Notification of Interview, the
16 Notification of Allegations, the Receipt Form,
17 the excerpt of a CPD Case Supplementary Report,
18 and a General Progress Report?

19 A. Yes.

20 Q. And the materials that IAD provided
21 you also included video from an in-car video
22 systems of Beat 813R vehicle and the Beat 845R
23 vehicle; is that correct?

24 A. Yes.

1 Q. And that DVD also contained video
2 from a Dunkin' Donuts security camera as well;
3 is that correct?

4 A. Yes.

5 Q. Did you review those videos I
6 mentioned, the Beat 813R video, the Beat 845R
7 vehicle video, and the Dunkin' Donuts security
8 camera video prior to today's interview?

9 A. Yes.

10 Q. Since receiving our Notice of
11 Interview, did you review any materials other
12 than the materials provided to you by IAD on our
13 behalf?

14 A. No.

15 Q. Aside from your attorney, who did you
16 speak to in preparation for this interview?

17 MS. RUSSELL: I'm going to have her read
18 them now.

19 BY THE WITNESS:

20 A. This statement is not being made
21 voluntarily but under duress and is only being
22 made at this time because I know that I will
23 lose my job if I refuse direct order being given
24 to me by Commander Klimas. I am invoking each

1 and every right granted to me under Garrity
2 versus New Jersey.

3 Also on the advice of counsel I am
4 making the following additional objections: I
5 am objecting to the fact that the City of
6 Chicago Inspector General's Office is making
7 allegations against me and conducting an
8 investigation into its own allegations.

9 I am objecting that this interview is
10 taking place before an arbitrator has decided
11 the issues that were raised in regards to the
12 investigation. The Fraternal Order of Police
13 has filed a grievance and injunction regarding
14 this investigation, and the Inspector General
15 refuses to postpone this interrogation.

16 I am also objecting that I have
17 requested my prior sworn testimony, namely the
18 testimony I provided to the grand jury. The
19 Inspector General refuses to provide me with a
20 copy of my grand jury testimony and/or any other
21 statement I have made to the federal
22 investigators in violation of my rights under
23 the contract.

24 The Inspector General indicated that

1 it is not -- that it does not have possession of
2 my grand jury testimony. To the extent I am
3 questioned about any grand jury testimony, I
4 assert that the testimony is truthful and was
5 based upon my recollection at the time. I stand
6 by all of my answers.

7 MR. NEUMER: OIG again notes that we are
8 conducting an administrative investigation, not
9 a criminal investigation. We're not conducting
10 a joint investigation or working with any law
11 enforcement agency with respect to this
12 investigation.

13 OIG does not have the subject's grand
14 jury statement in its possession, and under the
15 CBA, the OIG does not have an obligation to
16 provide the subject a statement that's not in
17 its possession.

18 In addition, we would note that the
19 OIG is legally entitled to proceed and there are
20 no legal arguments under Garrity that would
21 prevent OIG from moving forward here.

22 BY MR. NEUMER:

23 Q. I believe the question that was
24 pending prior to Officer Fontaine's statement

1 was, aside from your attorney, who did you speak
2 to in preparation for this interview?

3 A. No one.

4 Q. At this time, I want to ask you some
5 background questions.

6 MR. NEUMER: Counsel, the way we would
7 propose working is, I'm asking Officer Fontaine
8 questions regarding different subject areas. At
9 the end of a subject area, I would give my
10 counsel -- my colleague here an opportunity to
11 ask cleanup questions, any follow-up questions
12 that I failed to ask. Is that --

13 MS. RUSSELL: That's acceptable. You'll be
14 the primary investigator?

15 MR. NEUMER: I'm going to be the primary
16 questioner, and then, again, at the end of each
17 section, I'll see if Investigator Brown has any
18 follow-up cleanup. I think in that way we can
19 move forward in the most expeditious manner.

20 MS. RUSSELL: That's fine.

21 BY MR. NEUMER:

22 Q. Officer Fontaine, what is your name
23 and star number?

24 A. Dora Fontaine, 4484.

1 Q. And what's your current unit of
2 assignment?

3 A. Unit 8, District 8.

4 Q. What was your unit of assignment on
5 October 20th, 2014?

6 A. I'm sorry, is it a beat -- the beat
7 car? Or the unit is 8, District 8.

8 Q. So District 8 was your unit of
9 assignment on October 20th, 2014?

10 A. The unit of assignment, that's where
11 I was at.

12 Q. And what watch were you on as of
13 October 20th, 2014?

14 A. First watch.

15 Q. What was your chain of command as of
16 October 20th, 2014?

17 A. I don't understand.

18 Q. Who was your sergeant --

19 A. Oh, my sergeant was Sergeant Franko.

20 Q. Lieutenant?

21 A. Lieutenant was Lieutenant Cook.

22 Q. Commander?

23 A. Commander O'Donnell.

24 Q. And do you know those individuals'

1 first names?

2 A. James O'Connor was the commander;
3 Jerry Cook, lieutenant; Stephen -- Steve Franko,
4 sergeant.

5 Q. Officer Fontaine, what's your
6 personal cell phone number?

7 A. [REDACTED]. I'm sorry, I gave
8 you too many. It's [REDACTED].

9 Q. Was that the same cell phone number
10 you had as of October 20th, 2014?

11 A. Yes.

12 Q. I want to talk to you a little bit
13 about your appearance before the grand jury.
14 You were summoned to give testimony before a
15 federal grand jury regarding the McDonald
16 shooting; is that correct?

17 A. Yes.

18 Q. And did you give testimony before a
19 federal grand jury?

20 A. Yes.

21 Q. When did you give testimony before
22 the federal grand jury?

23 A. I don't recall.

24 Q. Do you recall a month?

1 A. No, I don't recall.

2 Q. Was it in 2015?

3 A. I don't recall.

4 Q. Was it -- you don't recall whether it
5 was 2016?

6 A. No.

7 Q. Was it -- well, did you assert your
8 rights under the Fifth Amendment and refuse to
9 testify?

10 A. At the grand jury?

11 Q. Yes.

12 A. No.

13 Q. Were you given immunity to testify
14 before the grand jury?

15 A. No.

16 Q. How long were you testifying before
17 the federal grand jury?

18 A. I don't recall.

19 Q. More than an hour?

20 A. I don't recall the time.

21 Q. It wasn't more than a day, was it?
22 You weren't brought back for another?

23 A. No, it wasn't.

24 Q. So it was less than a day?

1 A. Yes.

2 Q. But you don't recall whether it was
3 as brief as five minutes or --

4 A. No, I don't know the time frame on
5 that.

6 Q. Did you provide a written statement
7 to the grand jury?

8 A. No.

9 Q. What subjects were you asked about
10 before the grand jury?

11 A. I don't recall.

12 Q. So have you testified before a
13 federal grand jury as the -- ever before? Is
14 this the only time you've ever testified before
15 a federal grand jury?

16 A. On behalf of myself?

17 Q. Yes.

18 A. Yes.

19 Q. And that testimony, would you
20 consider it to be relatively important in that I
21 assume that if you had -- if you lied to the
22 grand jury, that would potentially subject you
23 to criminal liability?

24 A. Yes.

1 Q. So the accuracy of your testimony was
2 extremely important; isn't that correct?

3 A. Yes.

4 Q. You wanted to answer the questions
5 you were asked correctly, right?

6 A. Yes.

7 Q. So you have no recollection as to
8 what you were asked?

9 A. No.

10 Q. Were you asked about the Laquan
11 McDonald shooting?

12 A. Yes.

13 Q. And what were you asked about the
14 Laquan McDonald shooting?

15 MS. RUSSELL: Do you mind if we take a
16 quick break?

17 MR. NEUMER: Sure. We'll go off the
18 record. 12:52 p.m.

19 (WHEREUPON, a recess was had.)

20 MR. NEUMER: The time is 12:55 p.m. We'll
21 go back on the record.

22 BY MR. NEUMER:

23 Q. I just want to sort of go back.
24 Officer Fontaine, you did give testimony before

1 a federal grand jury, correct?

2 A. Yes.

3 Q. And, again, I would imagine that was
4 a stressful occasion?

5 A. Yes.

6 Q. And an important event for you?

7 A. Yes.

8 Q. Any recollection of, as you were
9 going through, was it like summer of 2015, was
10 it fall of 2015? I would think that date would
11 stick out in your head perhaps.

12 A. It doesn't. I don't know why, but it
13 doesn't.

14 Q. Okay. I believe you said you were
15 asked questions about the Laquan McDonald
16 shooting; is that correct?

17 A. Yes.

18 Q. And can you give us a sense of what
19 type of questions you were asked about the
20 Laquan McDonald shooting?

21 A. I -- I -- the problem is that there
22 was so many different things going on at the
23 time, different scenarios going on, the
24 questioning, the kind of question. So I was

1 asked about what I saw.

2 Q. Okay.

3 A. What I witnessed. If I would do
4 anything different. Why he did what he did.

5 Q. Okay.

6 A. And in that reference, that's why,
7 with the time, it seemed to me like more than
8 three hours or longer, but I could be wrong.
9 But for me personally, it felt like a long time.

10 Q. So you were asked questions about why
11 Officer Van Dyke did what he did?

12 A. Or the amount of shots was it
13 correct, I guess.

14 Q. Were his --

15 A. Was it proper.

16 Q. -- actions appropriate?

17 A. Yes.

18 Q. And what did you say when they asked
19 you whether his actions were appropriate?

20 A. I can't answer for anyone else but
21 myself. I don't know what occurred before I
22 arrived on scene. I don't know what he saw. I
23 don't know what he witnessed, so I can't answer
24 that question.

1 Q. Is that what you told the grand jury?

2 A. Yes.

3 Q. And when they asked you if -- I think
4 you said you were asked whether you would do
5 anything different; is that what --

6 A. Mm-hm.

7 Q. And how did you respond when asked
8 that question?

9 A. Unless you're in that -- unless
10 you're in a situation, you don't know how you're
11 going to respond, so it all depends on what's
12 occurring at the time.

13 Q. You were asked to describe what you
14 saw in terms of witnessing the shooting of
15 Laquan McDonald; is that correct?

16 A. Yes.

17 Q. And what did you say when you were
18 asked to describe the shooting?

19 A. At this time, watching the video and
20 everything else that's coming about it, it's --
21 honestly, I -- it's all mixed up because of the
22 fact that once they showed me the video, certain
23 parts were different than what I stated.

24 So, again, I tried to tell the truth

1 as much as I could, but, again, my point of view
2 and my -- what I saw, you know, might look
3 different in a video and that's what's
4 occurring, so I -- that's -- I...

5 Q. Okay. So you were saying that -- you
6 told the grand jury that -- did you give them
7 sort of a different version of events than the
8 version of events you related to
9 Detective March?

10 A. Did I tell them different events from
11 what I told Detective March?

12 Q. Uh-huh, the grand jury.

13 A. The grand jury, I told them what I
14 saw at that point in time, what was -- what I
15 remember of the situation. That's what I
16 explained to them at that point in time.

17 At that time, I had -- I remember
18 telling March what I saw. And, again, after
19 reviewing everything, it -- it kind of differs.

20 Q. And in what way does it differ?

21 A. It differs because, by looking at his
22 notes, there's -- where he puts that I said he
23 raised his arm as if attacking Van Dyke, I never
24 stated that or I don't recall stating that to

1 him.

2 Q. Prior to your grand jury testimony,
3 who did you speak to about -- in preparation for
4 your grand jury testimony?

5 THE WITNESS: William Fahy?

6 BY THE WITNESS:

7 A. My lawyer.

8 BY MR. NEUMER:

9 Q. And what was your lawyer's name?

10 A. William Fahy.

11 Q. Is that F-a-h-e-y?

12 MS. RUSSELL: No, I think there is no "E."

13 THE WITNESS: Just the "Y."

14 MS. RUSSELL: F-a-h-y.

15 BY MR. NEUMER:

16 Q. Did you speak to anyone else in
17 preparation for your grand jury testimony other
18 than your attorney?

19 A. No.

20 Q. Did you have any communications with
21 Officer Van Dyke before your grand jury
22 testimony?

23 A. No.

24 Q. No phone calls?

1 A. Nope.

2 Q. No texts?

3 A. Nope.

4 Q. No e-mails?

5 A. Nope.

6 Q. Do you know Officer Van Dyke's
7 personal cell phone number?

8 A. Nope.

9 Q. Do you have it in your phone?

10 A. Nope.

11 Q. Did you have communications with any
12 of the other officers present at the McDonald
13 shooting prior to your grand jury testimony?

14 A. I work with them.

15 Q. Did you have communications with the
16 other officers present at the scene of the
17 McDonald shooting regarding the McDonald
18 shooting prior to your grand jury testimony?

19 A. Like in detail what's going on or --

20 Q. Did you discuss the Laquan McDonald
21 shooting with any of the other officers who were
22 present at the scene of the shooting prior to
23 your grand jury testimony?

24 A. About what occurred or just -- we did

1 discuss like, Oh, I'm going to the grand jury.
2 They asked me, Are you going to the grand jury
3 this date? Yes.

4 But about that night, no. Just
5 about, you know, Oh, I got notified for this.
6 Did you get notified for this?

7 Q. I would think that, you know, it
8 would be normal to sort of discuss what you saw
9 that night. Were you specifically trying not to
10 talk about the Laquan McDonald shooting with the
11 other officers who were present at the scene of
12 the shooting?

13 MS. RUSSELL: It's okay. Go ahead.

14 BY THE WITNESS:

15 A. No, I didn't want to talk about it.

16 BY MR. NEUMER:

17 Q. You didn't want to talk about it?

18 A. No.

19 Q. So it was your own decision that I'm
20 not going to discuss the Laquan McDonald
21 shooting with any of the other officers present
22 who were at the scene that night?

23 A. Yeah.

24 Q. At the -- when you were at the grand

1 jury, were you presented with any of the reports
2 we've just introduced as exhibits, your
3 statement to Detective March, the GPR?

4 A. I don't recall.

5 Q. No recollection of being provided
6 with any exhibits?

7 A. No, I don't recall.

8 Q. Is it possible -- you just don't
9 recall one way or the other?

10 A. No, I don't.

11 Q. Prior to your testimony before the
12 grand jury, did you make any attempt to ensure
13 that the statement you were going to make
14 accorded with the other officers' statements who
15 were present at the scene of the shooting?

16 A. I'm sorry?

17 Q. Prior to your grand jury testimony,
18 did you make any attempt to sync up your story
19 with the other officers who were present at the
20 scene of the McDonald shooting?

21 A. No.

22 Q. Were you interviewed by the FBI
23 regarding the Laquan McDonald shooting?

24 A. Yes.

1 Q. Do you recall when you were
2 interviewed by the FBI?

3 A. No.

4 Q. Were you interviewed multiple times
5 by the FBI?

6 A. No, just --

7 Q. Just one time?

8 A. -- once, mm-hm.

9 Q. Who was interviewing you?

10 A. I don't remember.

11 Q. Do you remember how many people were
12 interviewing you?

13 A. I want to say it was two FBI agents
14 and I think it was a State's Attorney and my
15 lawyer and myself --

16 Q. Do you recall --

17 A. -- I think.

18 Q. Do you recall where that interview
19 took place?

20 A. I don't recall.

21 Q. And what was the nature of that
22 interview? What did they ask you; what did you
23 say?

24 A. The same thing, about what occurred

1 that day, what happened, what was I working, who
2 was I working with, what I saw.

3 Q. And did you describe the shooting
4 incident to the FBI?

5 A. Yes.

6 Q. Did the statement you gave to the FBI
7 regarding the shooting differ at all from your
8 grand jury testimony?

9 A. No.

10 Q. Did the statement you gave to the FBI
11 regarding the shooting differ at all from the
12 statements you made to Detective March?

13 A. I'm sorry, what was it?

14 Q. Did the testimony -- well, did the
15 statement you made to the FBI regarding the
16 Laquan McDonald shooting, did that differ at all
17 from the statements you made to Detective March
18 regarding the shooting?

19 A. Not the statement I gave, no.

20 Q. So the statement you gave to the FBI
21 was the same as the statement you gave to
22 Detective March regarding the shooting?

23 A. Yes.

24 Q. I want to talk to you now about

1 October 20th, 2014. You were present on
2 October 20th, 2014, when Laquan McDonald was
3 shot, correct?

4 A. Yes.

5 Q. And do you know following the
6 shooting which officers were responsible for
7 controlling the perimeter of the shooting scene?

8 A. They sent us and anybody -- I don't
9 know anybody else.

10 Q. Who's the "they"?

11 A. I'm sorry, the sergeant.

12 Q. The sergeant sent you to the scene
13 of -- prior to the shooting, correct?

14 A. No. No. No.

15 Q. Okay. Walk me through it. Walk me
16 through it.

17 A. Sorry.

18 Q. It's okay.

19 A. Prior -- there was a call coming out.
20 That's how we responded.

21 Q. So you get a call; you respond to the
22 scene prior to the shooting?

23 A. We respond and it's a -- basically
24 it's occurring.

1 Q. There's an event that's occurring?

2 A. Yes.

3 Q. Yes. So you proceed to 41st and
4 Pulaski?

5 A. Yes.

6 Q. And tell us then where does the
7 sergeant call come in?

8 A. When we get there, everything is
9 chaos. The sergeant -- I don't recall if he
10 went over the air and told us to go do traffic
11 or he went like -- or told us to do traffic on
12 scene.

13 Q. Okay.

14 A. But we went towards going south.

15 Q. On Pulaski?

16 A. On Pulaski. To block off the traffic
17 coming north.

18 Q. Okay. So which sergeant gave you
19 that?

20 A. Sergeant Franko.

21 Q. So Sergeant Franko gives you
22 and -- Officer Viramontes, is it?

23 A. Yes.

24 Q. To sort of do traffic control?

1 A. Yes.

2 Q. And then you proceeded to block off a
3 portion of Pulaski?

4 A. Yes.

5 Q. So at any time while you were
6 blocking off Pulaski, did you ever direct any
7 civilian witnesses to the shooting to leave the
8 scene?

9 A. No -- well, we were sent to block
10 traffic. Then Sergeant Franko goes over the air
11 and says give 41 Robert the paper.

12 Q. What does that mean?

13 A. Which means that we're in charge of
14 having to do the paperwork for the shooting.

15 Q. Okay.

16 A. So we arrive, we're barely getting
17 off, we turn around, and we go back to the
18 scene.

19 MS. RUSSELL: Let me just -- can you read
20 back the question.

21 So listen to the question he asked
22 you.

23 (WHEREUPON, THE RECORD WAS
24 BY THE REPORTER AS FOLLOWS:)

1 "QUESTION: So at any time while you
2 were blocking off Pulaski, did
3 you ever direct any civilian
4 witnesses to the shooting to
5 leave the scene?"
6

7 BY THE WITNESS:

8 A. No.

9 BY MR. NEUMER:

10 Q. I just want to make sure we're all
11 clear here. So the shooting occurs -- and
12 correct me if I misstate anything.

13 The shooting occurs, you get, I'll
14 call it an order, from Sergeant Franko over the
15 radio to do traffic control?

16 A. I'm not sure if it was over the air
17 or not. It was -- everything was going crazy.
18 I -- we looked at him and then, you know, we --
19 I looked at him and stuff, and then he kind of
20 went like that (indicating), so it's block off
21 traffic.

22 Q. So it was -- Sergeant Franko was on
23 the scene?

24 A. Yes.

1 Q. And are we talking like minutes after
2 the shooting?

3 A. I don't know.

4 Q. So Sergeant Franko has arrived on the
5 scene, correct?

6 A. Mm-hm.

7 Q. He orders you -- or he gestures you
8 sort of with his hand to do traffic control?

9 A. Yeah.

10 Q. You interpreted it to say --

11 A. Yes.

12 Q. -- Officer Viramontes and I are on
13 traffic control?

14 Okay. So then you block off part of
15 the street on Pulaski?

16 A. Yes.

17 Q. And then you mentioned you got an
18 order to do some paper. Is that -- meaning like
19 do the write-up for --

20 A. Yes.

21 Q. -- or what is that paper? What is
22 the paperwork that you were instructed to do?

23 A. It's a report, and you just have to
24 log in everybody who's on scene as best as you

1 can and put a narrative stating to "See
2 Detective Supplementary," that's it.

3 Q. And did you complete that report?

4 A. Yes.

5 Q. Where did you complete that report?

6 A. On the street.

7 Q. On the street. So you filled it out
8 by hand?

9 (WHEREUPON, discussion was
10 had off the record between Counsel and
11 Witness.)

12 BY THE WITNESS:

13 A. Oh, on the PDT. On ERA.

14 BY MR. NEUMER:

15 Q. Tell me what a PDT is.

16 A. It's like a computer, like this
17 (indicating).

18 Q. So where was that PDT located?

19 A. It was in the car.

20 Q. In your vehicle?

21 A. Yes.

22 Q. And your vehicle was -- so you were
23 841 Robert, right?

24 A. Yes.

1 Q. So you were doing traffic control and
2 blocking off Pulaski, right? And then did
3 anything else happen before you got this order
4 to do the paperwork?

5 A. No.

6 Q. And did you ever leave the scene
7 prior to doing the paperwork?

8 A. Yes.

9 Q. Tell us about that.

10 A. Another sergeant was on scene. They
11 order us to go with the body, McDonald's body,
12 to the hospital. So we were on our way to
13 follow the ambulance. We got called back to the
14 scene.

15 Q. And who called you back?

16 A. Sergeant Spreyne.

17 Q. How do you spell that name?

18 A. S-p-r-e-y-e -- wait, n-e.
19 S-p-r-e-y-n-e.

20 Q. And did that call come over the
21 radio?

22 A. Yes.

23 Q. How far did you make it away from the
24 scene?

1 A. Where were we? We were on the
2 overpass.

3 Q. On the overpass...

4 A. Pulaski. So I want to say -- yeah.

5 Q. About how far away is that?

6 A. Oh, how far away? Like four or five
7 blocks.

8 Q. So four or five blocks and then you
9 get called back by Officer Spreyne?

10 A. Yes. Sergeant Spreyne.

11 Q. Sergeant Spreyne calls you back and
12 says -- requests that you fill out a report
13 regarding the shooting?

14 A. Yes, it -- wait, I'm trying to think.
15 Franko gave us the order to do the papers.
16 Spreyne sent us with the body and then he
17 ordered us -- Spreyne ordered us back, yeah.
18 A lot of confusion.

19 Q. Sure. What's the name of this report
20 that you prepared?

21 A. It's a case report.

22 Q. Case report. Okay. So you prepared
23 this case report on the PDT in your vehicle
24 841 Robert?

1 A. Yes.

2 Q. Was Officer Viramontes in the vehicle
3 with you while you prepared this case report?

4 A. Yes.

5 Q. Did you talk to anyone as you
6 prepared this case report?

7 A. We asked for names and stars.

8 Q. Who did you ask for names and stars?

9 A. Any officer we saw on scene.

10 Q. So was it you and Officer Viramontes?

11 A. Mm-hm.

12 Q. Is it fair to say you kind of
13 collectively filled out this report?

14 A. Yes, but there was so many people on
15 scene, we had to call and get a copy of the
16 job --

17 Q. What's --

18 A. -- which means, in the district, you
19 can pull up our job, put in our number,
20 841 Robert, and it will notate everybody who's
21 on scene, all the beat cars.

22 Q. So what's a job again? When you use
23 the word, "job"?

24 A. That's the call. I'm sorry. The

1 call.

2 Q. So you can type it in and it will --
3 on your PDT?

4 A. Not our PDT. In the system. In the
5 district. At the station.

6 Q. Oh, at the station?

7 A. Yeah.

8 Q. Okay. So I'm slightly confused. But
9 you didn't go to the station?

10 A. No.

11 Q. You were at the vehicle?

12 A. Yes.

13 Q. Did you call someone at the station?

14 A. Yes.

15 Q. And you said, Hey, I'm on this
16 job --

17 A. Can you please do that. Because we
18 were trying to get everybody, but there was so
19 many people, we were -- I didn't want to miss
20 anybody.

21 Q. Sure. So did you first, though,
22 start to go around the scene in person to talk
23 to everyone who was at the scene to get their
24 star number?

1 A. Viramontes kind of walked around, and
2 I kind of grabbed whoever I saw closer to me
3 here by the car so...

4 Q. So do you recall who you -- well --
5 yeah, do you recall who you talked to at the
6 scene as far as completing this case report?

7 A. No, there was --

8 Q. Do you recall any -- did you talk to
9 Officer Van Dyke?

10 A. No. No.

11 Q. You know you didn't talk to
12 Officer Van Dyke as part of --

13 A. No.

14 Q. -- this case report? Okay.
15 Do you recall anyone who you did talk
16 to?

17 A. Who did -- I'm trying to think of who
18 I talked to. I mean, from the other --

19 MS. RUSSELL: If you don't remember, you
20 don't remember.

21 BY THE WITNESS:

22 A. Yeah, I don't remember because since
23 I knew some of them, I knew them and I knew
24 their beats, so I just, you know, logged them

1 down.

2 BY MR. NEUMER:

3 Q. Sure.

4 A. But there was other people who
5 weren't there from our unit that I kind of
6 grabbed real quick, but I don't -- I didn't -- I
7 didn't know who it was.

8 Q. I'm going to -- well, I'll keep going
9 on this line of questioning.

10 How long did it take you to complete
11 this case report?

12 A. I'm not sure. I'm not sure.

13 Q. Give me your best estimate.

14 A. Maybe an hour.

15 Q. Hour?

16 A. Maybe. Because we were waiting for
17 stuff to come to us from the district.

18 Q. What stuff?

19 A. The printout.

20 Q. What's the printout?

21 A. Of the job of all the beat cars.

22 Q. Oh, they sent that to you?

23 A. Yes, somebody actually brought it
24 over to me.

1 Q. Physical copy of it?

2 A. Yes.

3 Q. Okay. So you get a physical copy of
4 the printout of the job and you're talking to
5 various individuals on the scene?

6 A. No, at that point I started doing
7 the --

8 Q. But you had --

9 A. -- the case report.

10 Q. You had talked to various individuals
11 on the scene just to get their --

12 A. Yes.

13 Q. -- star number?

14 A. And beat number.

15 Q. And beat number. Okay.

16 Anything else that you did to prepare
17 that case report?

18 A. That's it.

19 Q. Any other information-gathering?

20 A. No, that was it.

21 Q. And so your best estimate is the
22 completion of that case report took about an
23 hour?

24 A. Yeah. Maybe less, but yeah.

1 Q. Again, I'm -- just best estimate.

2 Could be more, could be less?

3 A. Yeah, I'm not quite sure the time.

4 Q. Were you on scene the entire time you
5 were completing that case report?

6 A. Yes.

7 Q. And what do you do once you complete
8 a case report?

9 A. Once we complete it, we let the
10 sergeant know it's completed.

11 Q. And would that be Sergeant Franko?

12 A. Yes.

13 Q. And how do you let Sergeant Franko
14 know your case report is completed?

15 A. We usually -- we either do it over
16 the air or on the PDT.

17 Q. Do you remember what you did on this
18 occasion?

19 A. I don't remember on this case.

20 Q. Did you ever -- once -- is it fair to
21 say you submit a case report?

22 A. Yes.

23 Q. Do you hit a button --

24 A. Mm-hm.

1 Q. "Submit" or something like that?

2 A. Mm-hm.

3 MS. RUSSELL: Answer out loud like "yes" or
4 "no."

5 BY THE WITNESS:

6 A. Yes. I'm sorry.

7 BY MR. NEUMER:

8 Q. Did you ever hear anything further
9 after you completed that case report? Did
10 anyone ask you about what you had put in that
11 report?

12 A. No.

13 Q. So once you hit "send" or "submit,"
14 send it on to Franko, that was the last you
15 heard of that case report?

16 A. Yes.

17 Q. So other than the completion of the
18 case report, who else did you speak to at the
19 scene of the shooting?

20 A. The detective.

21 Q. Which detective?

22 A. March.

23 Q. So you spoke to Detective March. Did
24 you speak to anyone -- again, not as part of the

1 completion of the case report, but other than
2 Detective March, did you speak to anyone else at
3 the scene of the shooting?

4 MS. RUSSELL: Other than the officers she
5 already testified to?

6 MR. NEUMER: Correct.

7 BY THE WITNESS:

8 A. Not that I recall.

9 BY MR. NEUMER:

10 Q. Did you speak to a Mr. McNaughton?

11 A. No.

12 Q. So you did speak to Detective March
13 at the scene of the shooting?

14 A. Yes.

15 Q. At approximately what time did you
16 speak to Detective March?

17 A. I don't recall.

18 Q. Where were you and where was he when
19 this conversation took place?

20 A. In my vehicle.

21 Q. You were in your vehicle, okay.

22 A. Yes.

23 Q. Were you completing your case
24 report --

1 A. Yes.

2 Q. -- when he came by?

3 Okay. So during the time you were
4 completing your case report, Detective March
5 stopped by your vehicle?

6 A. Mm-hm. Yes.

7 Q. And what did he say to you when he
8 came up to your vehicle?

9 A. He asked for the RD number and -- I'm
10 really not sure exactly what he asked, but I
11 know it was the RD number, and I think some of
12 the beat cars he wanted to know was on scene.

13 Q. Was anyone else present when this
14 conversation took place?

15 A. My partner.

16 Q. Officer Viramontes was in the car as
17 well?

18 A. Yes.

19 Q. Did Detective March ask
20 Officer Viramontes any questions when he came up
21 to the car?

22 A. I don't know.

23 Q. Did Detective March ask you any
24 questions about the shooting itself when he came

1 up to your vehicle?

2 A. Yes.

3 Q. What did he ask you?

4 A. Basically like where were we and if
5 we saw anything.

6 Q. And what did you tell him?

7 A. I told him that I had seen something.

8 Q. Did you get into the details of the
9 shooting?

10 A. Yes.

11 Q. Okay. Was Detective March taking
12 notes during this conversation?

13 A. I don't recall. He had a pad and
14 pencil, but I don't recall him writing anything
15 down.

16 Q. How long did you speak to
17 Detective March when he was outside your
18 vehicle?

19 A. It wasn't long.

20 Q. Less than 15 minutes?

21 A. Yes.

22 Q. Was it like less than five minutes?

23 A. I don't know.

24 Q. And did Detective March ask questions

1 about the shooting of Officer Viramontes?

2 A. No.

3 Q. It was just --

4 A. I'm sorry, did he ask Viramontes
5 questions?

6 Q. Sure. Yes.

7 A. Yes.

8 Q. Did he -- was he asking you guys kind
9 of like collectively, or was he directing the
10 questions to you or Officer Viramontes?

11 A. He came to me and then I think he
12 went to him because I was in the middle of doing
13 the report. So after he talked to me, I got
14 back in the car, I'm assuming he went and asked
15 Viramontes.

16 Q. But you don't know?

17 A. No.

18 Q. So did you get outside the vehicle to
19 talk to Detective March?

20 A. Yes.

21 Q. So he comes over, you're in the
22 vehicle completing the case report?

23 A. Yes.

24 Q. And then you step outside the vehicle

1 to have a conversation with him regarding the
2 shooting?

3 A. Yes, he asked me to step out.

4 Q. So prior to your conversation with
5 Detective March, had you talked to
6 Officer Viramontes about what you witnessed in
7 terms of the McDonald shooting?

8 A. No. It happened so fast and we were
9 going here, here, and there, so no.

10 Q. There were no conversations between
11 the two of you as to, wow, that was crazy or
12 anything?

13 A. No.

14 Q. No conversations --

15 MS. RUSSELL: She answered.

16 BY THE WITNESS:

17 A. No.

18 BY MR. NEUMER:

19 Q. Was that a deliberate decision on
20 your part not to talk to Officer Viramontes?

21 A. No, there was so much going on, you
22 don't have time to try to sit there and discuss
23 what occurred because you're trying to do what
24 they're ordering you to do and you're trying to

1 handle your job.

2 Q. Prior to conversation with
3 Detective March, did you talk to -- did you have
4 any conversations with Officer Mondragon?

5 A. No.

6 Q. Is that name familiar to you?

7 A. Yes.

8 Q. Okay. But you didn't have any
9 conversations at all about any topics with
10 Officer Mondragon prior to your conversation
11 with Detective March?

12 A. No.

13 Q. Did you have any conversations with
14 Officer Sebastian?

15 A. No.

16 Q. I'm sorry, my fault, I should have
17 completed my question.

18 Did you have any conversations with
19 Officer Sebastian at the scene of the shooting
20 prior to your conversation with Detective March?

21 A. No.

22 Q. Did you have any conversations with
23 Officer Gaffney prior to your conversation with
24 Detective March?

1 A. No.

2 Q. Did you have any conversations with
3 Officer McElligott prior to your conversation
4 with Detective March?

5 A. No.

6 Q. How about any conversation with
7 Officer Walsh prior to your conversations with
8 Detective March?

9 A. No.

10 Q. At any time while you were at the
11 scene of the shooting, did anyone separate you
12 from the other officers who were at the scene of
13 the shooting?

14 A. No.

15 Q. So nothing would have prevented you
16 from talking to, say, Officer Mondragon or
17 Officer Gaffney?

18 A. No. If I wanted -- no, because --
19 they were on that side; we were on this side.

20 Q. Which side were they?

21 A. They were on the north side; I was on
22 the south side.

23 Q. North side of Pulaski?

24 A. They were on the north side of

1 Pulaski.

2 Q. Closer to -- they were on the north
3 side by like 41st?

4 A. Honestly, they -- all I know is that
5 they were on the north side. I don't know
6 where.

7 Q. They were further north than you?

8 A. Yes.

9 Q. With respect to Detective March, you
10 talked to him outside the vehicle. I think you
11 estimated it was less than a 15-minute
12 conversation. He asked you questions about the
13 shooting. Is that correct?

14 A. Yes.

15 Q. And did you talk to Detective March
16 again that evening regarding the shooting?

17 A. Yes.

18 Q. Tell us about that conversation.

19 A. It was when we went to the area.

20 Q. And that's at 51st and Wentworth --

21 A. Yes.

22 Q. -- is that correct.

23 Area Central?

24 A. Yes.

1 Q. How did you get from the scene of the
2 shooting to Area Central?

3 A. We drove over there.

4 Q. Who drove?

5 A. Viramontes.

6 Q. And you drove the 841 --

7 A. Robert.

8 Q. Okay. So is that -- did you drive
9 over to Area Central after you completed the
10 case report?

11 A. Yes.

12 Q. Did you do anything between
13 completing the case report and driving over to
14 Area Central?

15 A. Not that I recall, no.

16 Q. So pretty much as soon as you
17 complete the case report, you drive from the
18 scene of the shooting to Area Central?

19 A. Yes.

20 Q. Were you asked to go to Area Central?

21 A. Yes.

22 Q. Who asked you?

23 A. I don't remember. I don't remember.

24 I don't remember if it was a detective or the

1 sergeant.

2 Q. Are you talking about Detective March
3 or Sergeant Franko?

4 A. Yes.

5 Q. Okay. Is it likely that one of those
6 two --

7 A. Yes.

8 Q. -- were the people that, would you
9 say, ordered you to go to Area Central?

10 A. Well, we have to go after a shooting,
11 so yes.

12 Q. So they said you have to go to Area
13 Central?

14 A. Well, yes.

15 Q. Either Sergeant Franko or
16 Detective March?

17 A. Yes.

18 MS. RUSSELL: Can we take one minute,
19 Peter?

20 MR. NEUMER: We'll go off the record. It
21 is 1:30 p.m.

22 (WHEREUPON, discussion was
23 had off the record.)

24 MR. NEUMER: The time is 1:32 p.m. We're

1 back on the record.

2 BY MR. NEUMER:

3 Q. And, Officer Fontaine, I think you
4 were going to provide a little bit of a
5 clarifying narrative as to where you were
6 following the scene of the shooting and what
7 activities you were doing sort of in sequential
8 order. So please proceed.

9 A. Okay. After the shooting, we moved
10 southbound to do traffic. We went to go do
11 traffic. We were ordered to come back to where
12 the shooting occurred to do the case report.

13 Once we were there doing the case
14 report, we were ordered to follow the body to
15 the hospital.

16 Q. And that's Sergeant Spreyne?

17 A. Sergeant Spreyne. So we start -- we
18 leave the scene again, start following the body.
19 We were ordered to come back --

20 Q. By Sergeant Spreyne.

21 A. -- to do the report, and we come back
22 on scene. We start doing the report, and then
23 Detective March comes up to us and starts asking
24 us questions about -- he asks us about the

1 information -- some information about the report
2 that we have, and then he starts asking us about
3 the shooting. So now we're back on scene.

4 Then after that, we're done with the
5 report and everything, we go to the area, 51st
6 and Wentworth --

7 Q. And that's you and
8 Officer Viramontes?

9 A. Me and Officer Viramontes.

10 Q. So once you arrived at Area Central,
11 just walk us through where do you go? What
12 happens?

13 A. Once we get there, there's an FOP
14 representative and IPRA's there. And they tell
15 us they have drinks and stuff, and they say you
16 can use the bathroom. They show us where the
17 restroom is, water, drinks, whatever. And then
18 they have us waiting until the FOP speaks to us.

19 Q. Who's waiting?

20 A. All the officers.

21 Q. Okay.

22 A. There's all the officers on scene,
23 the sergeants, and they're in -- it's kind of a
24 small place, so it's kind of cubicles and stuff.

1 So it's --

2 Q. So lay the scene. You get there.
3 You're waiting in a room to be interviewed; is
4 that correct?

5 A. That's -- yes, we're there to be
6 interviewed by --

7 Q. So you're waiting at Area Central and
8 there are other officers --

9 A. Yes.

10 Q. -- who were at the scene of the
11 shooting in this room with you?

12 A. It's like an office.

13 Q. In an office. Okay.

14 A. And there's rooms.

15 Q. Describe this office to -- it's got
16 cubicles?

17 A. When you walk in, there's tables
18 where I guess the detectives sit and answer
19 phones. And then over here you have rooms, and
20 in the rooms -- it's like an office room, and it
21 has cubicles.

22 Q. Okay.

23 A. So there's officers in there, there's
24 officers out there, there's officers in the

1 restroom.

2 Q. And where are you sitting in this,
3 I'll call it, room?

4 A. I'm outside. We're outside and then
5 they had pizza so if anybody was hungry.

6 Q. So you're outside the main room?

7 A. Yes, at first we're outside --

8 Q. And is it like a side room, or where
9 are you waiting when you're outside this main
10 room?

11 A. There -- how should I put it? It's
12 like you have a big room and then it's where all
13 the detectives work. That's their area of work.
14 In the offices, I'm assuming it's for like
15 sergeants and lieutenants. So then there's one
16 room where they have cubicles and they said
17 we're going to wait for FO- -- I think FOP was
18 there and wanted to talk to us.

19 Q. Okay.

20 A. And then they called us in. We went
21 in there, and then they said, okay, they told
22 officers in order -- IPRA was going to question
23 officers and in what order they were going to
24 question them and who was going to be

1 questioned.

2 And then once we said okay, we went
3 back out into this main room, and they have
4 computers and stuff, and we sat there and just
5 waited until they told us what to do next.

6 Q. So you and the other officers who
7 were at the scene of the shooting were waiting
8 in the big room in front of some of the computer
9 stations?

10 A. Yes.

11 Q. And what other officers were there
12 when -- waiting with you?

13 A. It was Viramontes -- it was
14 Viramontes, Mondragon, Sebastian. There was two
15 other officers from afternoon.

16 Q. Bacerra?

17 A. I don't -- what's the name?

18 Q. Officer Bacerra?

19 A. Bacerra.

20 Q. And Velez?

21 A. Bacerra and Velez.

22 Q. Okay.

23 A. Them two. Who else? McElligott and
24 Gaffney. I think that's all I remember.

1 Q. Was Officer Van Dyke present?

2 A. No.

3 Q. Was Officer Walsh present?

4 A. I don't remember.

5 Q. When you were waiting at those
6 computer stations at Area Central with the other
7 officers, did you have any conversation with
8 those other officers about the shooting?

9 A. No. They just -- they -- it was more
10 like they were talking about having to testify
11 to IPRA. They asked me if I had to, and I'm
12 like, No, they haven't told us that we have to.
13 And that was it.

14 Like just, So you goes ain't going to
15 IPRA? I'm like, So far no. Me and Rick thought
16 we were going to be -- me and Viramontes thought
17 we were going to be the last one.

18 So everybody was kind of like, you
19 know -- oh, then the detective came and he
20 showed us the video -- he showed me the video.

21 Q. So while you were waiting at Area
22 Central -- was it Detective March?

23 A. Yes.

24 Q. Detective March showed you the video

1 of the Laquan McDonald shooting?

2 A. Yes.

3 Q. Okay. Was this prior -- now, I know
4 you talked to him at the scene of the shooting.
5 Was this prior to when you spoke to him again
6 about the shooting?

7 A. He showed me the video and he -- you
8 know, he showed me a few things from the video.
9 And I was like, Oh, yeah, this and that. But
10 that was it.

11 Q. Okay. Was he asking -- at Area
12 Central, was he asking you questions about the
13 shooting prior to showing you the video?

14 A. Yes.

15 Q. What kind of questions was he asking?

16 MS. RUSSELL: Is this in the Area or at the
17 car?

18 BY MR. NEUMER:

19 Q. Sorry, in the area. So everything
20 right now is at Area Central?

21 A. At the Area. Yeah, he was showing me
22 the video and he says, When he was walking -- he
23 says, "It looks as if he's turning here." And I
24 was like, "Oh, it does."

1 Q. Did he point out anything else about
2 the video?

3 A. No.

4 Q. It was primarily that he was -- okay.
5 That he was -- that Laquan McDonald was turning
6 at some point in the video?

7 A. Yes.

8 Q. And what did he -- like, flush that
9 out a little bit more for us. What was he
10 saying? Like how did that come up?

11 A. He just showed me the video and he
12 was walking -- because I had told him he was
13 walking southbound swaying the knife.

14 And then that's when -- when we were
15 at the Area, then he showed me the video and
16 he's like, "Oh, is this where he's walking?"
17 "Yes." He goes, "You see he kind of turns
18 around?" And I'm like, "Oh, yeah, he" --
19 looking at the video, I said it does look like
20 he kind of turns.

21 Q. Did Detective March make any other
22 observations about the video that you recall?

23 A. No.

24 Q. I want to -- we'll get back to that

1 conversation. I want to -- you mentioned FOP
2 representatives. I want to first ask you, did
3 you talk to any FOP representatives at the scene
4 of the shooting?

5 A. No.

6 Q. Did you talk to any FOP
7 representatives at Area Central?

8 A. Yes.

9 Q. And what did you -- what were the
10 nature of those conversations?

11 A. He talked to us as a group.

12 Q. Who is the "he"?

13 A. I can't think of his name.

14 Q. Is it Marlon Harvey? Chris Kato?

15 A. I can't think of his name.

16 Q. Not Mr. Harvey or not Mr. Kato?

17 MS. RUSSELL: If you don't know, say you
18 don't know.

19 BY THE WITNESS:

20 A. I don't know.

21 BY MR. NEUMER:

22 Q. So you talked to a male FOP
23 representative at Area Central?

24 A. He talked to all of us as a group.

1 Q. He talked to the officers -- the
2 officers who were present at the scene of the
3 shooting, not including Van Dyke or Walsh?

4 A. Yeah, I don't recall Walsh. I'm not
5 sure if he was there or not. I can't remember.

6 Q. And you don't believe that Van Dyke
7 was present and among the --

8 A. No, he wasn't.

9 Q. -- the group?

10 A. No, I don't think he was either.

11 Q. So an FOP representative is talking
12 to the officers who -- most of the officers who
13 were at the scene of the shooting. What does he
14 say?

15 A. He kind of -- he just -- what did he
16 say? He tells us about our rights and like
17 what's going to happen at the area with us and
18 what we have to do, and that's it.

19 Q. And so after the FOP representative
20 kind of walks you through what the process will
21 be, then you continue to wait --

22 A. Yes.

23 Q. Again in front of computer stations
24 in the big room --

1 A. Yes.

2 Q. -- at Area Central?

3 Is that on the first floor, second
4 floor?

5 A. I want to say it's the second floor
6 because it's on top, so I want to say it's two
7 floors there.

8 Q. Had you been involved in an
9 officer-involved shooting before?

10 A. Never.

11 Q. Never. So this was the first.

12 Did you, while you were waiting, talk
13 with any of the other officers about what you
14 had just seen?

15 A. No.

16 Q. I mean, I can imagine it's pretty
17 traumatic, pretty stressful situation. There
18 was no --

19 A. No. I just -- I don't know. I think
20 I was like in shock, I -- I don't know.

21 Q. Do you think it would have been
22 inappropriate to talk to the other officers at
23 the scene about what you had just witnessed?

24 A. I -- yes.

1 Q. So is it fair to say that after you
2 were waiting -- after the FOP representative
3 spoke to you, you were waiting at the computer
4 station -- just tell us what happened next.

5 A. People started going in, doing --

6 Q. Different rooms?

7 A. -- doing their statements.

8 No, to go talk to IPRA, to do their
9 statements and stuff.

10 Q. Okay. You never talked to IPRA?

11 A. No.

12 Q. Correct?

13 A. No, we never spoke to IPRA.

14 Q. So folks are going to make their
15 statements to IPRA. Then what happens next?

16 A. They weren't sure if we were going to
17 go or not, so they wanted us to wait.

18 Q. Who wasn't sure?

19 A. Who was it? I'm not sure. I can't
20 remember who was the one advising us to go. No,
21 I don't remember who.

22 Q. Do you recall who you were waiting
23 next to? Like who was to your right and left?

24 A. I know Rick was one of

1 them -- Viramontes was one of them. I want to
2 say Bacerra, I'm not sure.

3 Q. So you're watching people go into the
4 room to get -- give a statement to IPRA,
5 correct?

6 A. We were sitting down -- I was sitting
7 down.

8 Q. Mm-hm. Sure.

9 A. And, you know, everybody was just
10 like kind of doing their own thing on the phones
11 and stuff like that.

12 Q. Yep. Was anyone texting you about
13 the shooting at all?

14 A. No.

15 Q. Anyone call you while you were
16 waiting to be interviewed --

17 A. No.

18 Q. -- at Area Central about the
19 shooting?

20 A. No.

21 Q. So what happened next while you're
22 waiting? You're seeing them go in to get
23 interviewed; what happens next?

24 A. They just tell us to wait. We're

1 waiting. I think McElligott and Gaffney come up
2 to us -- I'm trying to think.

3 MS. RUSSELL: If you don't remember, say
4 you don't remember.

5 BY THE WITNESS:

6 A. I don't remember.

7 BY MR. NEUMER:

8 Q. Do you recall having any
9 conversations with Officer McElligott or
10 Officer Gaffney while you were waiting at Area
11 Central?

12 A. One of the computers were down, and
13 we were trying to get on it.

14 Q. For what reason were you trying to
15 get on the computer?

16 A. I think somebody wanted to play a
17 game or something.

18 Q. So did you have a conversation with
19 Officer McElligott or Officer Gaffney about the
20 computer that was down?

21 A. I -- yes, I think I did.

22 Q. And did you eventually get that
23 computer up and running?

24 A. I don't remember.

1 Q. Eventually does Detective March come
2 and get you to talk to you?

3 A. To show the video at one point.
4 That's it.

5 Q. So tell us about the interaction. Is
6 he in a room and comes out and says,
7 Officer Fontaine? Or how does he get your
8 attention?

9 A. Yes, he's in a room. He comes out
10 and says, Can you come here with me? And we go
11 into the room and he shows me the video, and
12 that's it. I come back out.

13 Q. Is the room small, big? What type of
14 room is it?

15 A. It's a small room. It's an office.

16 Q. It's somebody -- is it his office
17 or --

18 A. I don't know if it's his office or
19 someone's office, but it's an office.

20 Q. It's someone's office. There's a
21 desk?

22 A. Yes.

23 Q. A computer monitor?

24 A. Yes.

1 Q. And what does he say -- what does he
2 say to you?

3 A. He just points out that, "Is that
4 where he turned?" And he goes, "See? It's like
5 he's turning." And I was like, "Yeah, he does
6 look like he's turning."

7 Q. Did he ask you questions about the
8 shooting prior to -- while you're in this
9 office, so you're in an office. Is he behind a
10 desk, Detective March?

11 A. No, because he's -- the computer's
12 like right here, and we're both on this side of
13 the desk.

14 Q. Both behind the desk; is that fair to
15 say?

16 A. In front of the desk.

17 Q. In front of the desk?

18 A. Yeah, I think it's in front or on the
19 side of the desk.

20 Q. You're on the same side of the desk?

21 A. Yes.

22 Q. And you're both looking at a computer
23 monitor?

24 A. Mm-hm.

1 Q. Before you're looking at that
2 computer monitor, did he ask you to walk him
3 through the details of the shooting?

4 A. No.

5 Q. So he calls you into the office?

6 A. Mm-hm.

7 Q. Correct?

8 MS. RUSSELL: Yes?

9 BY THE WITNESS:

10 A. Yes. I'm so sorry.

11 BY MR. NEUMER:

12 Q. He calls you into the office and
13 immediately directs your attention to the
14 computer monitor?

15 A. Yes.

16 Q. And then he plays a portion of a
17 video --

18 A. Yes.

19 Q. -- for you?

20 And that portion of the video
21 contains the shooting of Laquan McDonald?

22 A. Yes.

23 Q. And what happens after he plays that
24 portion of the video?

1 A. I go back and sit down and wait.

2 Q. Okay. But does he ask you questions
3 while the video is playing about the video?

4 A. No.

5 Q. He plays the video. Does he ask you
6 any questions before you go back to sit down?

7 A. No.

8 Q. Is that -- after he plays the video,
9 is that when he makes a comment about Laquan
10 McDonald turning?

11 A. Yes.

12 Q. So you're in the room, he plays the
13 video for you, and makes a comment about Laquan
14 McDonald turning?

15 A. Mm-hm.

16 Q. Is that correct?

17 A. Yes. Yes.

18 Q. And you agree with Detective March?
19 Or what do you say when he says, Oh, it looks
20 like he's turning here?

21 A. I said, Yes, it does.

22 Q. Did he ask you any questions at that
23 point?

24 A. No.

1 Q. And he said, Okay, you can go sit
2 down?

3 A. Yes, that's it.

4 Q. That's it?

5 A. That was it.

6 Q. No other questions?

7 A. No.

8 Q. You go back into the other room then?

9 A. Yes.

10 Q. Do you continue to wait there?

11 A. Yes.

12 Q. What happens next?

13 A. We just wait. And then they don't
14 call us. They say they're going to call us
15 another day, and then they release us.

16 Q. Who releases you?

17 A. Sergeant Franko.

18 Q. Sergeant Franko releases you. Do you
19 have a recollection as to when he released you?

20 A. No. It -- it was after 6:00 because
21 we did fill out a -- it's a time due slip
22 whenever you do overtime. So I remember filling
23 one of those out, so it had to be after 6:00.

24 Q. So it was after 6:00 a.m. --

1 A. Yes.

2 Q. -- you were released from Area
3 Central?

4 A. Mm-hm. Yes.

5 Q. You were released from Area Central,
6 and then where do you go?

7 A. I go back to the district, change,
8 and go home.

9 Q. Did you take the 841 Robert vehicle
10 with Officer Viramontes to go to the district?

11 A. Yes.

12 Q. So the two of you drove together to
13 the district?

14 A. Yes.

15 Q. Did you talk about the shooting at
16 all during that conversation -- or, sorry,
17 during that trip?

18 A. No. No. We just went home. We
19 talked about that -- what we were -- I talked
20 about what I had to do in the morning because I
21 had to take the kids to school and stuff, and
22 that was it. I just said I got to get home and
23 get some sleep.

24 Q. Were you making a conscious decision

1 not to talk about the shooting with
2 Officer Viramontes during that trip?

3 A. Yes.

4 MR. NEUMER: The time is 1:53 p.m. Why
5 don't we go off the record.

6 (WHEREUPON, a recess was had.)

7 MR. NEUMER: The time is 2:00 p.m. We're
8 back on the record.

9 BY MR. BROWN:

10 Q. Officer Fontaine, you mentioned to us
11 about a case report you filled out?

12 A. Yes.

13 Q. In that case report, it contains
14 officer names and star numbers; is that correct?

15 A. Yes.

16 Q. Did that case report contain any
17 substance as to what happened related to the
18 McDonald shooting?

19 A. No.

20 Q. Do you want to explain anything
21 further related to the case report?

22 A. It just has the -- my role when
23 filling out the case report is you put the date,
24 the time, the beat numbers, and just "see

1 detective sup."

2 Q. And you said you submitted the report
3 that night?

4 A. Yes.

5 Q. Do you recall if it was edited after
6 that point?

7 A. No.

8 MS. RUSSELL: No it wasn't edited or no you
9 don't recall?

10 BY THE WITNESS:

11 A. No, I don't -- it -- it was not
12 edited at that time.

13 BY MR. BROWN:

14 Q. Had it been edited, would you have
15 been made aware of any changes to the report?

16 A. I should have been because it was
17 under my PC number.

18 Q. So if we were to see that this
19 document, this case report, it would have your
20 PC number at the bottom?

21 A. Yes.

22 Q. Would it have anybody else's PC
23 number?

24 A. Viramontes.

1 Q. And would that signify that he's in
2 agreement with everything in the report?

3 A. Yes.

4 Q. So if changes were made to the
5 report, he should have been made aware of those
6 changes as well?

7 A. Yes.

8 Q. Going back to a little earlier. I
9 briefly want to touch on the meeting with the
10 FBI. You noted that the State's Attorney's
11 Office was also there?

12 A. Yes.

13 Q. I just wanted to clarify, do you
14 recall if it was the Cook County State's
15 Attorney's Office was there, or was it the U.S.
16 Attorney's Office?

17 A. I'm not sure.

18 THE WITNESS: Was it the State's -- I'm not
19 sure.

20 MS. RUSSELL: Off the record.

21 (WHEREUPON, discussion was
22 had off the record.)

23 MR. BROWN: The time is now 2:02 p.m. and
24 we'll go back on the record.

1 BY MR. BROWN:

2 Q. Officer Fontaine, we were talking a
3 little bit about the meeting with the FBI, and
4 I'm just trying to clarify as to if it was the
5 Cook County State's Attorney's Office that was
6 also at the meeting, or was it the U.S.
7 Attorney's Office?

8 A. It was the Cook County State's
9 Attorney.

10 Q. Okay. Do you recall by chance who
11 was there representing the Cook County State's
12 Attorney's Office?

13 A. I don't recall.

14 Q. At that meeting, was the FBI the lead
15 on the questions?

16 A. Yes.

17 Q. Did they tell you that your statement
18 would be memorialized in any way?

19 A. I don't understand.

20 Q. I'm sorry, did they inform you that
21 they were going to be making report of your
22 statement?

23 A. No, not that they were going to make
24 a report.

1 Q. Did you see -- you mentioned there
2 were two FBI agents there at the meeting?

3 A. Yes.

4 Q. Do you recall them taking any notes?

5 A. Yes, they did.

6 Q. Do you recall whoever was there from
7 the Cook County State's Attorney's Office taking
8 any notes?

9 A. Yes, he was.

10 Q. So that was a gentleman?

11 A. That was a gentleman, yes.

12 Q. Anybody else besides the gentleman
13 there representing the Cook County State's
14 Attorney's Office?

15 A. No, not that I recall.

16 Q. And I think -- I'm pretty sure you
17 already mentioned this, but it was just the one
18 meeting with the FBI?

19 A. Yes.

20 Q. Any other meetings with the Cook
21 County State's Attorney's Office?

22 A. Not that I recall, no.

23 Q. Did you ever have a meeting with the
24 United States Attorney's Office?

1 A. No.

2 (WHEREUPON, discussion was
3 had off the record between Counsel and
4 Witness.)

5 BY THE WITNESS:

6 A. Yes, I did meet with the FBI before
7 the grand jury one time -- I'm sorry, the U.S.
8 Attorney.

9 BY MR. BROWN:

10 Q. What was the nature of that meeting?

11 MS. RUSSELL: We'll take a quick break.

12 MR. BROWN: The time is 2:04 p.m. and we'll
13 take a quick break.

14 (WHEREUPON, a recess was had.)

15 MR. BROWN: The time is now 2:05 p.m.
16 We'll go back on the record.

17 MS. RUSSELL: Can she clarify that last
18 answer?

19 BY MR. BROWN:

20 Q. Officer Fontaine, please clarify.

21 A. I don't recall meeting with the U.S.
22 Attorney.

23 Q. So before the grand jury you don't
24 recall meeting with the U.S. Attorney's Office?

1 A. No.

2 Q. And you didn't speak to the Cook
3 County State's Attorney's Office after that
4 meeting with the FBI?

5 A. No.

6 Q. I believe you mentioned in that
7 meeting with the FBI you stated that you told
8 them the same statement as what you told
9 March -- I'm sorry, Detective March?

10 A. Yes.

11 Q. I wanted to ask, did you give them
12 any sort of clarifying information such as, In
13 light of the video, this is going to clarify my
14 statement? Or did you say anything to clarify
15 what you told the FBI?

16 A. To the FBI?

17 Q. Yes. I'm sorry. That was a bad
18 question.

19 A. That's okay.

20 Q. I remember you noted earlier that you
21 said after viewing the video, that kind of
22 clarified what was written in the report, the
23 Supplementary Report about, "as if attacking" in
24 relation to?

1 A. I didn't know he had put "as if
2 attacking."

3 Q. And we're going to get into that --

4 A. Oh, I'm sorry, you just stated --

5 Q. You had mentioned something about it
6 was clarified after you saw the video; is that
7 accurate?

8 A. I'm still confused.

9 Q. Okay. Maybe I'll wait until we flush
10 this out a little bit later in the interview,
11 but I just wanted to see if there was any
12 clarifying statements you made to the FBI in
13 regards to you made the same statement to March
14 as what you told them?

15 A. Okay.

16 (WHEREUPON, discussion was
17 had off the record between Counsel and
18 Witness.)

19 BY THE WITNESS:

20 A. When I talked to the FBI, I didn't
21 know what March had written. I had no idea what
22 he had written. That's why when I gave my
23 statement to the FBI, I gave them my statement.
24 I didn't know what he had put down.

1 BY MR. BROWN:

2 Q. I'm sorry. Okay. So at the point
3 when you spoke to the FBI, you had not seen the
4 final Case Supplementary Report that would have
5 been authored by Detective March?

6 A. No.

7 Q. All right. When did you see the --
8 first see that statement by Detective March --
9 or I guess the write-up of your statement?

10 A. In the newspaper.

11 Q. In the newspaper. Okay. All right.
12 And was that sometime in 2015?

13 A. Yes -- I don't recall.

14 Q. I definitely understand. I'm not
15 going to keep hitting you about --

16 A. Yeah, I don't recall.

17 Q. You're just certain that you saw the
18 statement after you spoke with the FBI?

19 A. Yes.

20 Q. When you spoke with the FBI, was that
21 part of any sort of proffer negotiation?

22 A. I don't understand what you're
23 saying.

24 Q. Was the subject of a proffer ever

1 brought up to you in regards to your
2 conversations with the FBI?

3 A. I still don't understand.

4 BY MR. NEUMER:

5 Q. I think maybe I can -- so sometimes
6 when individuals speak with the FBI, they'll
7 sign what's called a proffer agreement. Do you
8 recall signing any agreement right before you
9 spoke to the FBI?

10 A. I did sign documents.

11 Q. Do you recall what those documents
12 said at all? Were they explained to you?

13 A. They were explained to me, but --

14 Q. Do you have any recollection as to
15 what...

16 A. No.

17 Q. That's fine.

18 BY MR. BROWN:

19 Q. Were you given a copy of the
20 documents?

21 A. No.

22 Q. Was the negotiation about the
23 documents, was that between your attorney and
24 someone else?

1 A. Yes. My attorney was there. He read
2 them with me and everything and I signed them.

3 Q. I just wanted to ask about
4 Officer Viramontes?

5 A. Yes.

6 Q. He was your partner that night of the
7 McDonald shooting, correct?

8 A. Yes.

9 Q. I wanted to ask, how long had he been
10 your partner prior to that?

11 A. I think we've been going on five
12 years.

13 Q. Five years. Okay.

14 Like a steady every day he's been
15 your partner for five years?

16 A. For the most part because when we're
17 short, they separate us.

18 Q. Absent some other changes, he's your
19 normal partner?

20 A. Yes.

21 Q. In the normal course of your work as
22 you observe incidents or have to make arrests,
23 would it be normal for you to speak with
24 Officer Viramontes as to whatever has occurred?

1 A. Yes.

2 Q. And would those conversations occur
3 before any type of report that would need to be
4 authored by you or Officer Viramontes?

5 A. Can I explain --

6 Q. Sure, definitely explain.

7 A. -- when we partner up -- when you
8 partner up, you're the driver and then there's
9 the driver and the passenger.

10 Q. Okay.

11 A. When you arrive on-call, most of the
12 time the person doing the paper is the one that
13 kind of takes the lead and asks the questions
14 and everything to decide more or less what kind
15 of paper it is. Unless they have a question,
16 then we kind of talk about it. So in that
17 sense, yes.

18 Q. So to aid in, I guess, authoring
19 whatever reports either you or
20 Officer Viramontes would need to author, you
21 guys would have conversations to make sure
22 you're on the same page?

23 A. Yes.

24 Q. I just want to compare that with the

1 McDonald incident. You already stated that,
2 because of the circumstances with that one, you
3 didn't feel like you wanted to talk with anyone,
4 including Officer Viramontes, about the
5 incident?

6 A. Yes.

7 Q. Got you. Okay.

8 When you were at Area Central, you
9 mentioned that at one point, the officers were
10 all together in the big room. I know you
11 mentioned that you didn't have conversations
12 with any of the officers about the McDonald
13 incident, but I wanted to ask you, do you know
14 if -- or did you recall if any of the other
15 officers were having conversations as to what
16 occurred that night?

17 A. No. Like I said -- no, not that
18 anybody was specifically having them, but
19 everybody was just kind of trying to talk about
20 something else.

21 Q. So was it like a feeling of a big
22 event has happened and let's try to get our
23 minds off of it by talking about other things?

24 A. Kind of. I think that -- especially

1 people who have never been involved, you don't
2 know how to -- what you should say, what you
3 shouldn't say, how you handle it, so you kind of
4 handle it your own way.

5 Q. Sure. No one instructed you guys not
6 to talk about it?

7 A. No.

8 Q. It's something that came organically;
9 it's just no one talked about the incident?

10 A. Not like detail in my presence, no.

11 Q. You mentioned that at some point
12 March brings you in to show you the video?

13 A. Yes.

14 Q. I wanted to ask, you mentioned it was
15 on a monitor. Do you recall if it was a laptop
16 such as this, or was it like a computer monitor
17 attached to like a hard -- like a big hard drive
18 or something?

19 A. I don't recall.

20 Q. Do you recall Detective March taking
21 any notes?

22 A. At that time, no.

23 Q. At that time.

24 MR. BROWN: That's all the follow-up I

1 have.

2 BY MR. NEUMER:

3 Q. I want to talk to you,
4 Officer Fontaine, about your relationships with
5 the various officers who were at the scene of
6 the shooting.

7 A. Mm-hm.

8 Q. I think you mentioned, with respect
9 to Officer Viramontes, you and he had been
10 partners for about five years prior to the
11 shooting --

12 A. Yes.

13 Q. -- is that correct?
14 And did you ever socialize with
15 Viramontes outside of work?

16 A. Once he came to my son's birthday
17 party.

18 Q. So one occasion outside of work?

19 A. That I can think of, yeah.

20 Q. So generally you guys did not
21 socialize outside of work?

22 A. No.

23 Q. Would you describe yourself as a
24 friend of Officer Viramontes?

1 A. Yes.

2 Q. With respect to Officer Van Dyke,
3 what was your relationship with Officer Van Dyke
4 prior to October 20th, 2014?

5 A. I really don't know him. I broke my
6 ankle, and I was off for almost a whole year --

7 Q. Okay.

8 A. -- and when I returned, I saw new
9 faces, and he was one of them. But I never
10 really -- I didn't know him.

11 Q. Do you recall when you broke your
12 ankle?

13 A. '13 I want to say.

14 Q. 2013?

15 A. 2013 I want to say.

16 Q. Have you ever partnered up with
17 Officer Van Dyke?

18 A. No.

19 Q. Have you ever socialized with
20 Officer Van Dyke outside of work?

21 A. No.

22 Q. Were you ever interviewed regarding a
23 complaint someone made regarding
24 Officer Van Dyke?

1 A. No.

2 Q. What was your relationship with
3 Officer Gaffney prior to October 20th, 2014?

4 A. Gaffney, I've worked with him. I've
5 known him.

6 Q. So how would you -- what was your
7 work experience with Officer Gaffney?

8 A. Just coworker.

9 Q. How often would you have interactions
10 like during a week with Officer Gaffney as part
11 of your job?

12 A. As part of my job?

13 Q. Mm-hm.

14 A. Few times a week because if we ride
15 on their jobs.

16 Q. And so that is their -- a job again
17 is --

18 A. I'm sorry, a call.

19 Q. A call. Okay.

20 A. A call.

21 Q. So you would see him a few times a
22 week responding to calls?

23 A. Yes.

24 Q. Okay.

1 A. At roll call.

2 Q. Okay.

3 A. Check-off. You just talk, you know.

4 Q. And how long had you guys been in the
5 same, fair to say, unit?

6 A. Unit?

7 Q. Yeah.

8 A. I think we've been there the same
9 amount of time, which is almost 15 years.

10 Q. Oh, okay.

11 A. I want to say we were -- yeah.

12 Q. So you've known Officer Gaffney for
13 about 15 years?

14 A. Yes.

15 Q. And did you ever socialize with
16 Officer Gaffney outside of work?

17 A. No.

18 Q. What was your relationship with
19 Officer McElligott prior to October 20th, 2014?

20 A. Same thing, working, talking while at
21 work and roll call, check-off.

22 Q. Same thing, see him a couple times a
23 week on calls?

24 A. On calls or check-off, mm-hm.

1 Q. And how long had the two -- had you
2 and Officer McElligott worked together?

3 A. With him I want to say the last three
4 years I think we started talking more because I
5 don't -- I don't remember when he came to the
6 district.

7 Q. Okay.

8 A. And I didn't really associate with
9 him.

10 Q. Ever socialize with
11 Officer McElligott outside of work?

12 A. No.

13 Q. What was your relationship with
14 Officer Bacerra prior to October 20th, 2014?

15 A. None.

16 Q. No relationship?

17 A. No.

18 Q. Never worked with him?

19 A. No -- that I can remember, no.

20 Q. No real interactions at work with
21 Officer Bacerra?

22 A. Not really. He's on third watch.

23 Q. Okay. So you're on different
24 watches?

1 A. Different watches.

2 Q. Never socialized with Officer Bacerra
3 outside of the work?

4 A. No.

5 Q. What's your relationship with
6 Officer Mondragon prior to October 20th, 2014?

7 A. Friends, coworkers. Same thing, roll
8 call, check-off. We do a little bit more -- we
9 talk a little bit more, I guess, girl to girl,
10 more woman-to-woman things.

11 Q. Sure. Sure. So would you ever
12 socialize with Officer Mondragon outside of
13 work?

14 A. I don't recall ever associating with
15 her outside of work.

16 Q. So work friends?

17 A. Yes.

18 Q. Okay.

19 A. Just recently now she had a daughter,
20 so I've been giving her some of my daughter's
21 stuff, so we kind of -- a little bit more --

22 Q. Okay.

23 A. -- outside of work.

24 Q. Is that in the last year or so?

1 A. Yes, two years.

2 Q. Was that -- did she have her daughter
3 prior to October 20th, 2014?

4 A. Yes. Yes, I think so. Yes.

5 Q. What was your relationship with
6 Officer Sebastian prior to October 20th, 2014?

7 A. Same thing, we talked at work and
8 everything. And, prior to that, I don't think
9 we socialized out of work.

10 Q. Do you socialize outside of work with
11 Officer Sebastian now?

12 A. We have because she bought a house in
13 Michigan and we have a house in Michigan, so
14 we're -- we talk about that and --

15 Q. I got you. Do any -- well, I'll get
16 through the end. How long have you worked with
17 Officer Sebastian in the same unit?

18 A. About 15 years.

19 Q. Officer Velez, what was your
20 relationship with her prior to October 20th,
21 2014?

22 A. Just -- she's third watch, so kind of
23 seeing her, hi, bye, how you doing, that's it.

24 Q. And you never socialize with

1 Officer Velez outside of work?

2 A. No.

3 Q. What was your relationship with
4 Officer Walsh prior to October 20th, 2014?

5 A. Just work-related.

6 Q. Never socialized outside of work?

7 A. (No audible response.)

8 Q. Would you say --

9 MS. RUSSELL: Make sure you answer out
10 loud.

11 BY THE WITNESS:

12 A. No.

13 BY MR. NEUMER:

14 Q. Would you see Officer Walsh multiple
15 times a week on calls and things of that nature?

16 A. Not as many, but I saw him in a few.

17 Q. And how long had you guys been in the
18 same unit, you and Officer Walsh?

19 A. I'm not sure when he arrived to
20 eight.

21 Q. Do any of the officers I mentioned,
22 Officer Viramontes, Officer Van Dyke, Gaffney,
23 McElligott, Bacerra, Mondragon, Sebastian,
24 Velez, Walsh, live in your neighborhood in the

1 city?

2 A. Sebastian used to and she moved out.

3 Q. Okay.

4 A. Mondragon lives close now. She just
5 moved in. And I think McElligott lives close,
6 too. And I think that's it that I can recall.

7 Q. And what neighborhood do you reside
8 in?

9 A. I live in Beverly. They live in
10 Mount Greenwood.

11 Q. Got you.

12 MR. NEUMER: Kris, do you have any
13 follow-up regarding Officer Fontaine's
14 relationship with the other officers at the
15 scene of the shooting?

16 MR. BROWN: I have no follow-up.

17 BY MR. NEUMER:

18 Q. At this time we're going to put
19 Exhibits 6 -- previously marked as Exhibit 6
20 and 7 -- I think I misspoke. What's been
21 previously marked as Exhibit 5 and 6, the CSR
22 and the GPR.

23 (WHEREUPON, Exhibit No. 5 and Exhibit
24 No. 6 were tendered to the witness.)

1 BY MR. NEUMER:

2 Q. So, again, that's Exhibits 5 and 6.

3 The --

4 MS. RUSSELL: The notes are 6, okay.

5 BY MR. NEUMER:

6 Q. Notes are 6, the GPR dated
7 October 20th, 2014. And the CSR -- the excerpt
8 of the CSR containing Officer Fontaine's
9 statement to Detective March.

10 So first, generally, I want to ask
11 you what is a Case Supplementary Report?

12 MS. RUSSELL: In general.

13 BY THE WITNESS:

14 A. In general, it's something that's
15 added on to an original case.

16 BY MR. NEUMER:

17 Q. Okay.

18 A. Because there's an original case
19 first and then any supplementary is something
20 added on to that.

21 Q. What's the purpose of a Case
22 Supplementary Report?

23 A. My understanding is just extra facts.

24 Q. And who creates a Case Supplementary

1 Report?

2 A. Any officer that's -- any officer
3 that's like -- any officer that has to work on a
4 specific -- return to the original case report
5 that they have extra information about it or
6 anything has changed, they would be able to do a
7 supplementary.

8 Q. Do officers create -- can I call them
9 CSRs? Is that a term that --

10 A. I'm not familiar with that.

11 Q. Okay. We'll stick with Case
12 Supplementary Report.

13 Do officers create Case Supplementary
14 Reports, or is it detectives?

15 A. This here -- the form in front of me
16 is a detective.

17 Q. So Exhibit 5 was created by a
18 detective. Have you ever created a Case
19 Supplementary Report in your time with CPD?

20 A. Yes.

21 Q. So you are familiar with Case
22 Supplementary Reports?

23 A. When a regular patrol officer does
24 it, it's called Supplementary Report, just a

1 regular Supplementary Report. It's a different
2 format than this.

3 Q. Okay. Okay. So have you ever filled
4 out a Case Supplementary Report?

5 A. No.

6 Q. So is it fair to say that generally
7 detectives fill out Case Supplementary Reports?

8 A. I'm assuming, yes.

9 Q. But you -- do you not know one way or
10 another?

11 A. I don't.

12 Q. It's not part of your general duties
13 and responsibilities to fill out a Case
14 Supplementary Report?

15 A. No.

16 Q. I'm now going to ask you about
17 Exhibit 6, the General Progress Report dated
18 October 20th, 2014. Are you familiar with the
19 term GPR? Can I use that term?

20 A. I've never heard of that term.

21 Q. Never heard of that term?

22 A. No.

23 Q. Well, I'll ask you, what's your
24 understanding as to what a GP- -- or what a

1 General Progress Report is?

2 A. I have no knowledge.

3 Q. Do you know what the purpose of a
4 General Progress Report is?

5 A. I don't. This is the first time I've
6 seen one.

7 Q. Okay. Do you know who creates a
8 General Progress Report?

9 A. I'm assuming the detective with this
10 in front of me.

11 Q. Okay. But you have no --

12 A. I have no idea who would -- who would
13 do this.

14 Q. And you've never filled out a General
15 Progress Report as part of your duties as a
16 Chicago Police Department employee?

17 A. No, not this form.

18 Q. I want to direct your attention to
19 Exhibit 5, the Case Supplementary Report, and
20 the statement that is attributed to you in that
21 exhibit. I think it's on the third page.

22 I would ask now that you read what is
23 I think two paragraphs about a third or
24 two-fifths of the page. Take your time. Read

1 that statement and let me know when you've had a
2 chance to thoroughly read the statement.

3 A. You said the second one?

4 MS. RUSSELL: Stating with, "stated she was
5 a Chicago Police Officer"?

6 MR. NEUMER: Right. Exactly. So at the
7 top of the third page of Exhibit 5.

8 BY MR. NEUMER:

9 Q. Just to yourself. Just so you have a
10 chance to see what is stated and then we'll ask
11 you a few questions about that statement.

12 BY THE WITNESS:

13 A. Okay.

14 Q. Does Exhibit 5, Case Supplementary
15 Report, accurately you -- accurately reflect
16 what you said to Detective March on the night of
17 October 20th, 2014?

18 A. No.

19 Q. What statements in the Case
20 Supplementary Report are inaccurate?

21 MS. RUSSELL: Can we take a quick break?

22 MR. NEUMER: The time is 2:30 p.m. We'll
23 go off the record.

24 (WHEREUPON, a recess was had.)

1 MR. NEUMER: The time is 2:36 p.m. We're
2 back on the record.

3 BY MR. NEUMER:

4 Q. And, correct me if I'm wrong, I
5 believe I asked you if the Exhibit 5, Case
6 Supplementary Report, accurately reflected what
7 you said to Detective March on the night of
8 October 20th, 2014. I believe you said no; is
9 that correct?

10 A. Yes.

11 Q. And then I believe I asked you which
12 statements specifically in the Case
13 Supplementary Report are inaccurate. So if you
14 could walk us through what statements --

15 MS. RUSSELL: Can I clarify?

16 MR. NEUMER: Sure.

17 MS. RUSSELL: What statements don't reflect
18 what she told him?

19 MR. NEUMER: Yes.

20 MS. RUSSELL: I think that's a different
21 question.

22 MR. NEUMER: Sure. Sure.

23 BY MR. NEUMER:

24 Q. So let's go with that. You've had a

1 chance to review the Exhibit 5 statement
2 attributed to you. So can you walk us through
3 which -- sentence by sentence or whatever
4 sentences you did not make -- or statements you
5 did not make to Detective March.

6 A. The sentences walking towards
7 Van Dyke as if attacking Van Dyke.

8 Q. Okay.

9 A. I'm sorry, that's the tenth.

10 Q. Yep, I got you. That's fine.

11 So the sentence in full reads,
12 "McDonald ignored the verbal direction, instead
13 raised his right arm toward Officer Van Dyke as
14 if attacking Van Dyke"?

15 A. Yes.

16 Q. And you're saying you did not make
17 that statement to Detective March on the night
18 of October 20th, 2014; is that correct?

19 A. Yes. I don't recall telling him
20 that.

21 Q. So when you say you don't recall
22 making that statement to Detective March, is it
23 possible that you made the statement that
24 McDonald raised his right arm toward

1 Officer Van Dyke as if attacking Van Dyke?

2 A. No.

3 Q. No, it's not possible?

4 A. No.

5 Q. Is it accurate to say that, in your
6 opinion, McDonald raised his right arm toward
7 Van Dyke as if attacking Van Dyke?

8 A. I'm sorry?

9 Q. I'm saying that -- I think you've --

10 MS. RUSSELL: Did you see that? Did you
11 see --

12 BY THE WITNESS:

13 A. No.

14 BY MR. NEUMER:

15 Q. You did not see McDonald raise his
16 right arm toward Officer Van Dyke as if
17 attacking Van Dyke?

18 A. No.

19 Q. Did you see McDonald -- when you were
20 at the scene on October 20th, 2014, did you see
21 McDonald raise his right arm toward
22 Officer Van Dyke?

23 A. No.

24 Q. You did not see him raise his right

1 arm. Did you see him -- did you see McDonald on
2 the night of October 20th, 2014, make any
3 attacking movements toward Officer Van Dyke?

4 A. Yes.

5 Q. Tell us about those attacking
6 movements.

7 A. Well, he was walking southbound,
8 swaying the knife.

9 Q. Okay.

10 A. And from --

11 MS. RUSSELL: Let the record reflect that
12 the witness is swaying a knife -- no, strike
13 that. She's not swaying a knife. She's making
14 swaying motions with her right hand.

15 BY THE WITNESS:

16 A. So he's walking southbound swaying
17 the knife, and from my point of view, it looked
18 like he was coming in an angle.

19 BY MR. NEUMER:

20 Q. So tell us about -- an angle in what
21 way?

22 A. Like he was coming towards them but
23 not --

24 Q. So let's try this direction-wise.

1 When you first see Laquan McDonald, what
2 direction is he moving in?

3 A. He -- okay, after you -- after I
4 looked at the video, I didn't even realize I was
5 still in the car when a lot of this occurred,
6 what I saw. I was still in the vehicle.

7 Q. Okay.

8 A. He was walking southbound swaying the
9 knife walking -- he was walking southbound
10 swaying the knife and Van Dyke and Walsh were --
11 how should I put it? They were outside their
12 vehicle.

13 Q. Okay.

14 A. And from where I was looking at it on
15 an angle, it looked like he was walking almost
16 towards them.

17 Q. It looked to you like officer -- or
18 that McDonald was walking towards the officers?

19 A. Yeah.

20 Q. Okay.

21 A. Like in their line.

22 Q. Again, what -- so what direction was
23 he walking?

24 A. Southbound.

1 Q. Southbound. Okay.

2 And then you mentioned he was at an
3 angle. What did you mean by that?

4 A. From the point of view I had, it
5 looked as if he was on an angle.

6 Q. An angle to what? Are you saying he
7 was no longer walking southbound?

8 A. He was still walking southbound, but
9 it looked like he was kind of swaying over.
10 Okay, there's --

11 Q. Did he change direction or...

12 A. No, he was -- he was going -- he was
13 coming southbound -- how should I explain?

14 He was still coming southbound
15 swaying the knife, and when I -- when I saw
16 him -- how should I put it?

17 THE WITNESS: Can we take a break?

18 MS. RUSSELL: Sure.

19 MR. NEUMER: The time is 2:43 p.m. We'll
20 go off the record.

21 (WHEREUPON, a recess was had.)

22 MR. NEUMER: The time is 2:44 p.m. We're
23 back on record.

24 What question was pending?

1 MS. RUSSELL: She was trying to explain
2 what she meant by him walking at an angle.

3 MR. NEUMER: Okay.

4 BY THE WITNESS:

5 A. When I arrived on scene, I didn't
6 realize until I saw the video I was still in the
7 vehicle. So by the angle I'm in, he's walking
8 southbound but because he's straight and I'm in
9 the angle and Van Dyke and Joe are out of their
10 car, it almost seemed to me as if he was walking
11 towards them.

12 BY MR. NEUMER:

13 Q. Having watched the video, do you
14 think it is accurate to say that McDonald was
15 walking towards Officers Walsh and Van Dyke?

16 A. After watching the video?

17 Q. (Nodding).

18 MS. RUSSELL: Can I butt in? So I know
19 what the question is, but I guess it depends
20 like where you are in the sequence.

21 So at one level he is walking towards
22 them, he's in the middle of the road, he's
23 walking towards them as opposed to away from
24 them.

1 Is that what you're asking generally?
2 like, is he walking towards them; is he away
3 from the middle of the road? I could be walking
4 towards you guys coming this way (indicating) or
5 I could be walking towards you going this way
6 (indicating). I'm not sure if that helps or
7 hurts.

8 MR. NEUMER: Sure.

9 MS. RUSSELL: But maybe you can explain
10 what you meant by it appeared he's walking
11 towards you or what you saw in the video.

12 BY THE WITNESS:

13 A. I mean, what I saw in the video, he
14 was still walking southbound swaying the knife.
15 And when I looked at the video, it did seem as
16 if he turned, but --

17 BY MR. NEUMER:

18 Q. Did he turn toward Officer Walsh and
19 Van Dyke, or did he turn away from Officer Walsh
20 and Van Dyke?

21 A. If you slow it down slow enough, it
22 looks as if he's turning towards them.

23

24

1 (WHEREUPON, discussion was
2 had off the record between Counsel and
3 Witness.)

4 BY THE WITNESS:

5 A. But I'm not sure. But that's -- but
6 I'm not sure if that's because he was shot at
7 that point, that that's what made him
8 (indicating), yes.

9 BY MR. NEUMER:

10 Q. So with respect to the statement in
11 Exhibit 5, is there -- are there any of these
12 other sentences that you never said to
13 Detective March, other than the "as if attacking
14 Van Dyke" portion?

15 A. The one about, "McDonald was walking
16 sideways with his body facing east towards Jason
17 Van Dyke and Officer Walsh," that I'm not sure.

18 Q. You don't know whether you made that
19 statement --

20 A. No.

21 Q. -- to Detective March?

22 A. No, that one I'm not sure.

23 Q. Are there any other statements that
24 you either know for certain or you are not sure

1 whether you made to Detective March on the night
2 of October 20th, 2014, in the statement in
3 Exhibit 5?

4 A. That's it.

5 Q. So you -- tell me, with respect to,
6 "as if attacking Van Dyke," do you know whether
7 or not you made that statement to
8 Detective March?

9 A. I did not make it.

10 Q. You did not make it. And then with
11 respect to "McDonald was walking sideways with
12 his body facing east towards Officers Jason
13 Van Dyke and Joseph Walsh" --

14 A. No.

15 Q. -- you don't know whether you made
16 that statement?

17 A. No.

18 Q. Every other statement in -- every
19 other sentence in this statement you think you
20 did make to Detective March on the night of
21 October 20th, 2014?

22 A. Yes.

23 Q. And, now, different question. Is --
24 so we've been talking about whether or not you

1 made these statements to Detective March. We
2 touched on it a little bit, but I want to ask it
3 directly.

4 Look at the statement in Exhibit 5.
5 Are there any of these sentences that you
6 consider to be inaccurate; it's not actually
7 what happened?

8 A. For the rest of them?

9 Q. For -- I'm talking about the
10 entire -- so we were focussing primarily just
11 recently on whether you made the statements in
12 this exhibit to Detective March.

13 Now I'm going to ask you a different
14 question. I'm going to ask whether the
15 statements in -- that are attributed to you are
16 accurate. Do they reflect what actually
17 happened?

18 A. No.

19 Q. Do you understand the question that
20 I'm -- and so, as you look back at this -- as
21 you look over the statement attributed to you in
22 Exhibit 5, I want you to identify for me which,
23 if any, of the statements that are attributed to
24 you are not accurate, that's not how things

1 occurred on the night of October 20th, 2014.

2 A. The one where he -- where he raised
3 his arm towards Officer Van Dyke as if attacking
4 him.

5 Q. So that statement is not accurate?

6 A. Not that I know of.

7 Q. Not -- that's not what you witnessed
8 on the night of October 20th, 2014?

9 A. Yes.

10 Q. Right. So you did not witness
11 McDonald raising his right arm toward
12 Officer Van Dyke as if attacking Van Dyke?

13 A. Yes.

14 Q. That's correct?

15 A. That's correct.

16 Q. So same question now. Are there any
17 other statements or sentences in the statement
18 that are not accurate according to what you
19 witnessed on the night of October 20th, 2014?

20 A. No.

21 Q. So every other statement -- every
22 other sentence in your statement is accurate
23 according to what you witnessed on the night of
24 October 20th, 2014?

1 A. Yes. Except that one sentence that I
2 wasn't sure.

3 Q. Right.

4 A. Okay.

5 Q. Except for the "McDonald was walking
6 sideways with his body facing east" --

7 A. Yes.

8 Q. -- you're not sure whether that
9 statement is accurate?

10 A. I'm not sure if I said it at that
11 point in time.

12 Q. Let's talk about the accuracy of that
13 statement. Do you think it's accurate that
14 McDonald was walking sideways with his body
15 facing east towards Officer Van Dyke and Joseph
16 Walsh?

17 A. Well, now that I look at the video,
18 again, it does look accurate.

19 Q. Your statement -- or the statement,
20 "McDonald was walking sideways with his body
21 facing east towards Officers Jason Van Dyke and
22 Joseph Walsh," having reviewed the video of the
23 shooting, you feel that statement is accurate?

24 A. Because of that turn? In the video

1 there's like a slight turn --

2 Q. Immediately prior to McDonald --

3 well, at what --

4 MS. RUSSELL: Let me.

5 (WHEREUPON, discussion was

6 had off the record between Counsel and

7 Witness.)

8 BY THE WITNESS:

9 A. For that sentence, to be more
10 specific, it's not that he was walking sideways
11 eastbound through the street; he was walking
12 swaying, so he's kind of -- you know, what I
13 mean?

14 BY MR. NEUMER:

15 Q. Sure.

16 A. Swaying. So kind of --

17 MR. NEUMER: For the record --

18 BY THE WITNESS:

19 A. -- kind of in and out.

20 MR. NEUMER: -- Officer Fontaine is moving
21 her shoulders back and forth in a swinging
22 motion.

23 BY MR. NEUMER:

24 Q. Let's see, I want to ask you whether

1 you recall making any statements to
2 Detective March that are not reflected on the
3 night of -- make any statements on the night of
4 October 20th, 2014, regarding the shooting that
5 are not reflected in the Exhibit 5 report --

6 A. No, I don't remember.

7 Q. So you don't recall telling
8 Detective March anything on October 20th, 2014,
9 that is not in here?

10 Or, put differently, do you recall
11 any details you told Detective March that you
12 don't see included in Detective March's report?

13 A. The swaying of the knife.

14 Q. So Detective March didn't -- you told
15 him that the -- that Laquan McDonald was
16 swinging the knife, and you don't see that
17 reflected in Detective March's write-up of your
18 statement?

19 A. Correct. Yes.

20 Q. Any other details that you told --

21 A. Not that I remember.

22 Q. I'll just -- any other details you
23 recall telling Detective March that you don't
24 see in his write-up?

1 A. Not that I remember.

2 Q. Okay. So at this point, I'm going to
3 go through some of the notice -- some of the
4 allegations that are included in the Notice of
5 Allegations. Some of this will be moderately
6 duplicative but...

7 It is alleged that on or about
8 October 20th, 2014, you made a false statement
9 during an interview with Detective March when
10 you stated that McDonald was walking southbound
11 with his body facing east toward
12 Officers Van Dyke and Walsh.

13 Do you stand by your previous
14 statement?

15 A. The -- I'm sorry.

16 (WHEREUPON, discussion was
17 had off the record between Counsel and
18 Witness.)

19 BY THE WITNESS:

20 A. I stand by my testimony that I've
21 given you today.

22 MS. RUSSELL: Is that what you're asking?

23 BY MR. NEUMER:

24 Q. It is, but I'd like to really hone in

1 on, in particular, your statement -- the
2 statement in the report --

3 MS. RUSSELL: That's not her statement.

4 MR. NEUMER: Well, that's true.

5 BY MR. NEUMER:

6 Q. The statement that is attributed to
7 you in Detective March's report and whether you
8 stand by that previous statement or if there's
9 anything you'd like to add regarding the
10 allegations.

11 So let me read the allegation
12 again --

13 MS. RUSSELL: Really quick, before you do,
14 other than what she's already told you was not
15 correct? Do you see what I'm saying? The
16 allegation is you provided a false narrative to
17 Detective March. I mean, she's told you --

18 MR. NEUMER: And I --

19 MS. RUSSELL: So I guess I'm confused by
20 "Do you stand by your previous statement."

21 MR. NEUMER: Sure -- oh, sorry. I got you.

22 BY MR. NEUMER:

23 Q. So when I say, "previous statement,"
24 I'm not referring to anything you've told us

1 today. What I'm referring to is the statement
2 that is attributed to you in Detective March's
3 report, the Exhibit 5 report. And so I'll read
4 the allegation again and give you an opportunity
5 to respond.

6 So it is alleged that on or about
7 October 20th, 2014, you made a false statement
8 during an interview with Detective March when
9 you stated that McDonald was walking southbound
10 with his body facing east toward
11 Officers Van Dyke and Walsh.

12 Do you stand by your previous
13 statement as included in Exhibit 5, or is there
14 anything you'd like to add regarding this
15 allegation?

16 A. As I stated earlier, I don't remember
17 telling him that.

18 Q. Okay. It is alleged that on or about
19 October 20th, 2014, you made a material omission
20 during an interview with CPD Detective March
21 when, with respect to the McDonald shooting, you
22 failed to state that Officers Van Dyke and Walsh
23 moved towards McDonald prior to the shooting.

24 Why didn't you tell Detective March

1 that McDonald changed the direction in which he
2 was walking prior to being shot by
3 Officer Van Dyke -- let me read that again.
4 Strike that.

5 MS. RUSSELL: I think you're on four.

6 MR. NEUMER: Strike that.

7 BY MR. NEUMER:

8 Q. It is alleged that on or about
9 October 20th, 2014, you made a material omission
10 during an interview with CPD Detective March
11 when you failed to state that Officer Walsh and
12 Van Dyke moved towards McDonald prior to the
13 shooting.

14 Why didn't you tell Detective March
15 that Officer Walsh and Officer Van Dyke moved
16 towards McDonald prior to the shooting?

17 A. Detective March never asked me that
18 question and --

19 Q. Okay.

20 A. And I never saw that.

21 Q. You never saw Officers Walsh and
22 Van Dyke move towards McDonald prior to the
23 shooting?

24 A. No, their vehicle was blocking them.

1 MS. RUSSELL: From her view.

2 BY THE WITNESS:

3 A. From my view --

4 BY MR. NEUMER:

5 Q. From your view --

6 A. -- they were blocked.

7 Q. Officer Walsh and Officer Van Dyke
8 were blocked from your view by their vehicle?

9 A. Yes.

10 Q. It is alleged that on or about
11 October 20th, 2014, you made a material omission
12 during an interview with CPD Detective March
13 when you failed to state that Laquan McDonald
14 changed direction prior to being shot by
15 Officer Van Dyke.

16 Why didn't you tell Detective March
17 that McDonald changed the direction in which he
18 was walking prior to being shot by
19 Officer Van Dyke?

20 A. I didn't see that. I didn't see him
21 changing direction.

22 Q. Okay. It is alleged that on or about
23 October 20th, 2014, you made a false statement
24 during an interview with CPD Detective March

1 when, with respect to the McDonald shooting, you
2 stated that McDonald raised his right arm toward
3 Officer Van Dyke as if attacking Van Dyke.

4 Do you stand by that statement, or is
5 there anything you would like to add regarding
6 this allegation?

7 A. I never made that statement.

8 Q. You never made that statement to
9 Detective March.

10 A. To Detective March.

11 Q. Right. Do you have any idea why
12 Detective March included that statement in his
13 report?

14 A. I have no idea.

15 Q. Did Detective March at any time ever
16 ask you to change your story about -- when he
17 was interviewing you?

18 A. No.

19 Q. Did he ever direct you what to say
20 regarding the McDonald shooting?

21 A. No.

22 Q. How about with respect to when he
23 showed the video and he made a comment; did you
24 feel as if he was instructing you how to

1 respond?

2 A. I -- different people were looking at
3 the video, so I just assumed he wanted us to see
4 the video.

5 MS. RUSSELL: Listen to his question.

6 Can you read it back.

7 (WHEREUPON, the record was
8 read by the reporter.)

9 BY THE WITNESS:

10 A. No.

11 BY MR. NEUMER:

12 Q. Do you know what he was trying to
13 communicate to you by showing the video and
14 making a comment on the shooting?

15 A. No.

16 Q. Did you feel pressured by
17 Detective March to agree with his comment -- the
18 comment that he made regarding the video?

19 A. No.

20 Q. It is alleged on or about
21 October 20th, 2014, that you made a false
22 statement to CPD Detective March when, with
23 respect to McDonald shooting, you stated that
24 the gunshots Officer Van Dyke fired at McDonald

1 were rapid fire and without pause.

2 Do you stand by your previous
3 statement to Detective March, or is there
4 anything you would like to add regarding this
5 allegation?

6 A. No, that's -- I stick to that. I --
7 that's -- at that point in time, that's what I
8 heard.

9 Q. It is alleged that on or about
10 October 20th, 2014, you provided a false
11 narrative to Detective David March of the CPD
12 concerning the McDonald shooting through a
13 series of false statements or material
14 omissions --

15 MS. RUSSELL: I'm sorry to interrupt you,
16 but what allegation are you on? My next one is
17 in-car video.

18 MR. NEUMER: Right. So this is one. We're
19 back to allegation one.

20 MS. RUSSELL: I see. Okay. Got it.

21 BY MR. NEUMER:

22 Q. So it is alleged that on or about
23 October 20th, 2014, you provided a false
24 narrative to Detective March concerning the

1 McDonald shooting through a series of false
2 statements and material omissions.

3 Do you stand by your previous
4 statements to Detective March, or is there
5 anything you would like to add regarding this
6 allegation?

7 A. Just what I stated earlier.

8 Q. Earlier in this interview?

9 A. In this interview.

10 MR. NEUMER: Kris, do you have follow-up on
11 this section?

12 MR. BROWN: Yeah, I've got a couple of
13 follow-ups.

14 BY MR. BROWN:

15 Q. You mentioned earlier that
16 Detective March showed you a video in an
17 office --

18 A. Yes.

19 Q. -- is that accurate?

20 Just a little bit ago I thought you
21 might have said something about he showed us the
22 video. I just wanted to get you to clarify, did
23 he just show you the video by yourself in the
24 office, or did he show the whole group in the

1 big room?

2 A. It was me, him, and I want to -- I --
3 as I'm thinking about it, I think there was
4 somebody else in there that was running the
5 video.

6 Q. Okay.

7 A. So I -- I'm sorry.
8 (WHEREUPON, discussion was
9 had off the record between Counsel and
10 Witness.)

11 BY THE WITNESS:

12 A. No, I'm sorry, I'm getting you
13 confused. There was no other officers, just me.

14 BY MR. BROWN:

15 Q. And the other person that was in the
16 room, that was a technical person to operate the
17 video?

18 A. I don't know. I don't know.

19 Q. Sure. You didn't know what the
20 purpose of -- for that other person, you don't
21 know why they were there?

22 A. No, I don't.

23 Q. Just to recap, when you were in the
24 side office looking at the video, it was just

1 yourself, Detective March, and this other
2 person?

3 A. Yes.

4 Q. Did the other person say anything to
5 you?

6 A. No.

7 Q. Did the other person take any notes
8 as far as you know?

9 A. No.

10 Q. In the video that was shown to you by
11 Detective March, was that the same video as what
12 was tendered to you by IAD, I guess via us?

13 A. I can't answer that because -- it's
14 not that I can't; I don't know. I don't know.

15 Q. Was it the same video that --

16 (WHEREUPON, discussion was
17 had off the record between Counsel and
18 Witness.)

19 MS. RUSSELL: Let me interject. I think
20 the video that she saw was the actions as
21 depicted on the video that was provided to her.
22 Whether it was the same video, she can't be
23 certain.

24 Is that an accurate statement?

1 THE WITNESS: Yes.

2 BY MR. BROWN:

3 Q. And that's totally understandable.

4 I'm not definitely trying to get you to say it's
5 lie the exact same video --

6 A. Oh, okay.

7 Q. -- who knows what he showed that
8 night. I just wanted to get you to say if it
9 was the same footage, like the shooting --

10 A. Yes.

11 Q. -- was the same thing that you saw.
12 Okay.

13 Do you recall how much of the video
14 he showed you?

15 A. Just the walking southbound and
16 him -- like I said, that little turn.

17 Q. So just -- you were just shown
18 McDonald walking southbound from the Burger
19 King --

20 A. I don't even think it was all the way
21 from the Burger King.

22 Q. Okay.

23 A. I think it was just him walking and
24 that turn -- that little turn.

1 Q. You did get to see the actual
2 shooting, though, on the video, right?

3 A. From the video?

4 Q. Yes.

5 A. Yes.

6 Q. Okay.

7 A. And all over the news.

8 Q. Right.

9 A. Yes.

10 MS. RUSSELL: Did Detective March show you
11 the shooting portion?

12 THE WITNESS: No.

13 BY MR. BROWN:

14 Q. So the video he showed you, he just
15 showed you McDonald walking, I guess, towards
16 Officer Walsh and Van Dyke, but the video was
17 cut off before the shooting occurred?

18 A. Yes. It was just the turn and that
19 was it. It wasn't continued all the way.

20 MR. NEUMER: Can we go off the record for
21 one moment?

22 MR. BROWN: The time is now 3:10 p.m.

23 (WHEREUPON, discussion was
24 had off the record.)

1 MR. NEUMER: The time is 3:12. We'll go
2 back on the record.

3 BY MR. NEUMER:

4 Q. Officer Fontaine, I'm now going to
5 show you a portion of the video that was
6 recovered from the in-car video system of
7 Beat 813 Robert vehicle. This is one of the
8 videos that OIG provided to you on February 22,
9 2016, on DVD.

10 My colleague, Kris Brown, is going to
11 open the VLC media file titled VIDEO_ TS.IFO on
12 his laptop. File contains six minutes and five
13 seconds of footage. The video has a time stamp
14 on it indicating the date and time the video was
15 recorded.

16 And we're going to advance the video
17 to the portion time-stamped 9:57 p.m. and
18 22 seconds. And there's also a corresponding
19 VLC media player time-bar time, which goes from
20 zero to six minutes, five seconds.

21 And we are at 4:37 on the media
22 player time bar. And, again, we should be at
23 9:57 and, I think, 22 seconds p.m. in terms of
24 the embedded time stamp.

1 MR. BROWN: Then we want to go to a little
2 bit before that to capture more of the walking?

3 MR. NEUMER: Well, I don't think Officer --
4 what I'm going to first do is play it from here
5 and ask Officer Fontaine to stop the video when
6 she sees her car pull up on the scene.

7 BY MR. NEUMER:

8 Q. We can do this a few times, so don't
9 feel any pressure, but why don't we roll the
10 video, and I want you to stop us when you see
11 your vehicle, the vehicle that -- you're a
12 passenger in, correct?

13 A. Yes.

14 Q. Pull up on the scene. So we're going
15 to start the video.

16 (VIDEO BEING PLAYED)

17 BY THE WITNESS:

18 A. That's us.

19 MR. NEUMER: So Officer Fontaine has -- we
20 stopped the video at embedded time stamp
21 October 20th, 2014, 9:57 p.m. and 33 seconds.

22 BY MR. NEUMER:

23 Q. Is that correct, Officer Fontaine?

24 A. Yes.

1 Q. And you directed us to stop the video
2 because you now see your -- the vehicle you were
3 a passenger in that night, 841 Robert, pull up
4 behind Officers Van Dyke and Walsh; is that
5 correct?

6 A. Yes.

7 Q. So what I'm going to do now is, we're
8 going to start the video again, and I want you
9 to point out the turn that you've been -- you
10 referred to a couple times. Is that fair?

11 A. Yes.

12 Q. So we're going to start the video.
13 And, again, you can see this a couple times. I
14 want you to direct us to stop the video when you
15 see the turn that you were talking about
16 earlier. So go ahead and start the video.

17 (VIDEO BEING PLAYED)

18 BY THE WITNESS:

19 A. Before that --

20 BY MR. NEUMER:

21 Q. We'll go back a few seconds and we'll
22 start again.

23 (VIDEO BEING PLAYED)

24

1 BY THE WITNESS:

2 A. Stop. You see right here where it
3 looks like he's walking and then...

4 BY MR. NEUMER:

5 Q. We have stopped it at 4 minutes and
6 54 seconds on the VLC media player time bar.
7 There's no time stamp on the -- the time stamp
8 embedded is not visible at the moment on the
9 video footage.

10 And so, Officer Fontaine, why did you
11 direct us to stop it right here?

12 A. Because this is where it looks like
13 he went from straight to an angle, a little
14 angle or --

15 Q. A little angle --

16 A. -- a twist.

17 Q. He's making a turn you're saying?

18 A. Yes.

19 Q. And is this the turn that
20 Detective March pointed out to you when you were
21 at Area Central and he showed you the video?

22 A. This wasn't the video. The video he
23 showed me you saw his angle this way
24 (indicating).

1 Q. You saw whose angle which way?

2 A. Van -- McDonald, you actually saw him
3 walking, not from the back, but from the side.

4 Q. From the side?

5 A. It might be the Dunkin' Donut one?

6 BY MR. BROWN:

7 Q. Was it a perspective from further
8 away?

9 BY THE WITNESS:

10 A. Yes. It was --

11 MS. RUSSELL: Let's see the other one, if
12 you don't mind, and then you say if that was the
13 right one.

14 MR. NEUMER: Let's pull up the Dunkin'
15 Donuts video.

16 MS. RUSSELL: Or the other car?

17 BY MR. BROWN:

18 Q. Is that it? It will take some time
19 for me to get the moment. The vehicles come
20 from this way, and you only get to see a small
21 view from Van Dyke and Walsh like right there.

22 A. Then it must have been the other one.

23 MR. NEUMER: For the record, at the moment
24 we are showing Officer Fontaine the Dunkin'

1 Donuts video surveillance that was provided to
2 Officer Fontaine on DVD on February 22, 2016.

3 BY MR. NEUMER:

4 Q. Officer Fontaine, is it fair to say
5 that the Dunkin' Donuts surveillance video
6 footage that we are presently showing you is not
7 what Detective March showed you on the night of
8 October 20th, 2014?

9 A. Yes.

10 Q. We're now going to close this out and
11 let's go back to the dash cam footage from --

12 MR. BROWN: 813.

13 BY MR. NEUMER:

14 Q. -- Vehicle 813 Robert. So I'm going
15 to ask you, Officer Fontaine, once we load the
16 file and get it to the appropriate portion,
17 we'll show it to you again, and I'm going to ask
18 you whether it's possible that the 813 Robert
19 dash cam footage is what Detective March showed
20 you on October 20th, 2014. But don't answer
21 just yet. Let's watch the video again and see.

22 BY MR. BROWN:

23 Q. And for note, this one is in
24 full-time, so maybe that -- maybe that might

1 assist you in seeing how it's playing out.

2 (VIDEO BEING PLAYED)

3 BY MR. BROWN:

4 Q. If you want, I can put it slower,
5 frame by frame.

6 MR. NEUMER: So, for the record, the
7 footage we just showed to Officer Fontaine of
8 the shooting of Laquan McDonald was played at
9 full speed. Previously we showed it to
10 Officer Fontaine at a slowed-down speed.

11 BY MR. NEUMER:

12 Q. So, Officer, we'll stop the video.
13 And I want to ask you if you think it's possible
14 that the footage you are watching right now or
15 the footage we showed you is the same footage
16 that Detective March showed you on the night of
17 October 20th, 2014? Do you think that's
18 possible?

19 A. Yes.

20 Q. Do you think it's likely that this is
21 the footage Detective March showed you?

22 A. Yes.

23 Q. So let's watch again. And I want
24 to -- again, I want -- we've already identified

1 when your vehicle comes onto the scene. I want
2 you to now to identify for us the turn that
3 Detective March pointed out to you at Area
4 Central on October 20th, 2014.

5 BY MR. BROWN:

6 Q. I'm going to ask, would it be easier
7 for you to watch it full speed or would you like
8 it --

9 A. It has to be slow motion because I
10 can't tell you exactly when --

11 Q. Sure. No problem.

12 (VIDEO BEING PLAYED)

13 BY THE WITNESS:

14 A. Oh, I'm sorry. I forgot to --

15 BY MR. BROWN:

16 Q. That's okay.

17 MR. NEUMER: We'll go back a few seconds.

18 (VIDEO BEING PLAYED)

19 BY THE WITNESS:

20 A. That -- is that what you want me to
21 say where he turned?

22 BY MR. NEUMER:

23 Q. What I want you to identify is what
24 Detective March pointed out to you. I believe

1 previously you testified Detective March pointed
2 out to you some sort of turn and asked whether
3 you saw the turn when he was showing you the
4 video at Area Central on October 20th, 2014.

5 So what we want you to identify right
6 now is the turn that Detective March was
7 referring to when he showed you the video. Does
8 that make sense?

9 A. Yes.

10 Q. So let's watch it one more time and,
11 again, I want you to focus specifically on the
12 turn that Detective March was referring to.

13 MS. RUSSELL: If you remember exactly which
14 one he showed you.

15 (VIDEO BEING PLAYED)

16 MR. NEUMER: So, for the record, we just
17 showed Officer Fontaine a portion of the 813R
18 vehicle dash cam from about 9:57 -- with the
19 embedded time stamp 9:57 and 28 seconds to 9:57
20 41 seconds.

21 BY MR. NEUMER:

22 Q. Did you see the turn that
23 Detective March was -- mentioned on the night of
24 October 20th, 2014, when he showed you the

1 video?

2 A. You know, I'm not sure.

3 Q. Okay. Can you tell us -- and I'm
4 going to go back.

5 A. Can I have a minute?

6 Q. Sure. Take a minute.

7 MR. NEUMER: The time is 3:24. We'll go
8 off the record.

9 (WHEREUPON, discussion was
10 had off the record.)

11 MR. NEUMER: The time is 3:25. We're back
12 on the record.

13 We're now going to show
14 Officer Fontaine the dash cam video from, I
15 think, 845 Robert. Is that correct?

16 MR. BROWN: That's correct.

17 (VIDEO BEING PLAYED)

18 BY THE WITNESS:

19 A. No, that's not it.

20 BY MR. BROWN:

21 Q. That's not the one Detective March
22 showed you?

23 A. No.

24 MS. RUSSELL: Are either of these the one

1 he showed you?

2 THE WITNESS: Like I said, I don't...

3 BY MR. BROWN:

4 Q. Did the video Detective March showed
5 you appear to be as blurry as --

6 A. No.

7 Q. -- this video right here?

8 A. No.

9 MR. NEUMER: And, again, for the record,
10 Officer Fontaine is viewing the footage from the
11 845R vehicle dash cam.

12 (VIDEO BEING PLAYED)

13 BY MR. NEUMER:

14 Q. Officer Fontaine, do you think --
15 would it help you to watch the 813 Robert dash
16 cam footage additional times to try and identify
17 the turn that Detective March mentioned on the
18 night of October 20th, 2014?

19 A. Yes.

20 Q. It would?

21 MR. BROWN: Okay. So now we'll go back to
22 the 813R video. Would you like to watch it in
23 full speed or the slower speed?

24 THE WITNESS: No, full speed.

1 MR. NEUMER: We'll cut to the 9:57 and
2 28 seconds in the embedded time stamp for the
3 813 Robert dash cam footage now, and we will
4 show the relevant portion to Officer Fontaine at
5 full speed in an effort to help Officer Fontaine
6 identify the turn that Detective March pointed
7 out to her on the night of October 20th, 2014.

8 (VIDEO BEING PLAYED)

9 MS. RUSSELL: The question is do you
10 remember --

11 THE WITNESS: If that's the one --

12 MS. RUSSELL: -- Detective March?

13 THE WITNESS: Yes.

14 MS. RUSSELL: Are you sure?

15 BY MR. NEUMER:

16 Q. So now what I'm going to ask you to
17 do again is have my colleague stop the video --
18 I want you to have Kris stop the video -- so
19 what we want to do is establish a good record.

20 If you think you can identify the
21 turn that Detective March pointed out to you --
22 and if you can't -- I'm not trying to put words
23 in your mouth. You either can or if you don't
24 think you can, that's okay, too, but we're going

1 to run it one more time and I want you to
2 instruct my colleague to stop the video if you
3 think you identified the turn that
4 Detective March pointed out to you on the night
5 of October 20th, 2014, when he showed you this
6 video.

7 MS. RUSSELL: So you've identified, you
8 seeing the video, where you have seen the turn,
9 but the question is Detective March that
10 night --

11 THE WITNESS: Yes.

12 MS. RUSSELL: Okay? So if you can
13 remember, you can; if you can't, you can't.

14 MR. NEUMER: So we'll watch it -- maybe go
15 back like three seconds or something.

16 MR. BROWN: Rewind it one more time?

17 THE WITNESS: No, I'm not sure.

18 BY MR. NEUMER:

19 Q. Do you think that watching it again
20 would help you become more sure -- or would
21 help -- is it fair to say that you've watched
22 the video maybe five to seven times and you're
23 not sure when Detective March -- the exact
24 moment he was -- he referred you to when he

1 showed you the video?

2 A. Yes.

3 Q. Okay.

4 MR. NEUMER: I think -- did you have any
5 follow-up?

6 MR. BROWN: I think I have another couple
7 quick ones.

8 BY MR. BROWN:

9 Q. I just wanted to ask, prior to the
10 night of the McDonald shooting had you ever been
11 questioned by a detective before?

12 A. By a detective?

13 Q. Yes, in this manner that March was
14 questioning you.

15 A. Not at -- no, not in this situation.

16 Q. My next question was going to be, are
17 there other situations where you were
18 questioned?

19 A. On a call. Like if I was on a call
20 and detectives came on scene, yes.

21 Q. But not in a situation where you were
22 taken back to an area station and questioned
23 about an incident like your observation of an
24 incident?

1 A. I'm trying to think. I don't recall.

2 Q. Even in those instances where you
3 weren't taken back to an area, maybe a detective
4 just spoke to you about something else?

5 A. I have had detectives talk to me
6 about stuff in certain cases.

7 Q. In relation to your observations as
8 to whatever occurred?

9 A. Yes.

10 Q. Okay. In any of those instances, do
11 you recall the detective showing you a video
12 prior to getting your statement?

13 A. No.

14 Q. I think from what we were
15 understanding from the -- when you're at the
16 area and when March asked you to come into that
17 office with yourself and then that other person
18 was in there, it didn't sound like there was
19 much conversation that occurred at that meeting,
20 correct?

21 A. Yes.

22 Q. Was it -- it safe to say that the
23 stuff -- the statements that are attributed to
24 you in the detective Supplementary Report, those

1 all came from when March spoke to you near your
2 squad car?

3 A. Yes.

4 Q. I just wanted to make sure that --
5 since he didn't speak to you much at the area,
6 that when he did talk to you about the stuff
7 that's in the report.

8 A. I can't speak for him, so I don't
9 know, but I'm assuming, yes.

10 Q. No, I'm kind of asking did you -- the
11 statements that are attributed to you in this
12 report, did you make those statements near your
13 squad car?

14 A. That one, yes.

15 Q. Okay.

16 MR. BROWN: That's all.

17 BY MR. NEUMER:

18 Q. The statements that are attributed to
19 you in Exhibit 5 you made to Detective March
20 outside of your squad car at the scene of the
21 Laquan McDonald shooting?

22 A. Yes.

23 MS. RUSSELL: Other than the ones she's
24 previously testified to that she did not make.

1 MR. NEUMER: Understood. Understood.

2 MR. BROWN: Yes.

3 BY THE WITNESS:

4 A. Yes.

5 BY MR. BROWN:

6 Q. Yes. Okay. All right.

7 You mentioned that you weren't
8 certain about the statement in Exhibit 5 about
9 the walking sideways with his body facing east.
10 Can you -- I wanted to get -- if possible, can
11 you elaborate on why you think you might not
12 have made that statement?

13 A. Because of the fact that I -- I've
14 stated that he was walking southbound swaying
15 the knife. Otherwise, I would understand that
16 I'd be like he was walking actually all the way
17 facing east.

18 THE WITNESS: Do you know -- how can I say
19 this?

20 (WHEREUPON, discussion was
21 had off the record between Counsel and
22 Witness.)

23 BY THE WITNESS:

24 A. I mean, I just saw him walking

1 southbound swaying the knife.

2 BY MR. BROWN:

3 Q. And that's perfectly fine. I was
4 hoping to get to that language that's in the
5 report that's attributed to you. Is that -- was
6 that language something you typically wouldn't
7 say, like you -- would you say like a person's
8 walking in a direction facing another direction?
9 Is that a statement that you would normally make
10 in a report? Do you get usually that specific
11 with a person's direction as they're walking?

12 A. Not that detailed. I mean, depending
13 on the situation. But for something like this,
14 it's -- what I witnessed was southbound. Do you
15 know --

16 Q. I think I understand. So you're
17 saying it's -- depending on the situation, you
18 might have put in your statement that a person
19 was walking in a certain direction, but, in this
20 particular instance, in relation to Exhibit 5,
21 you think McDonald was walking southbound and --

22 A. Because --

23 Q. -- that's why you're not sure about
24 that statement being totally accurate?

1 A. Yes.

2 Q. Okay.

3 MR. BROWN: That's all.

4 BY MR. NEUMER:

5 Q. Really quickly, with respect to
6 Detective March, did he provide you -- so he
7 showed you the video, right, at Area Central?
8 That's correct, the dash cam -- or he showed you
9 footage of the Laquan McDonald shooting,
10 correct?

11 A. Yes.

12 Q. Okay. Did he give you --

13 MS. RUSSELL: Hold on a second.

14 (WHEREUPON, discussion was
15 had off the record between Counsel and
16 Witness.)

17 BY MR. NEUMER:

18 Q. Did he show you footage of the scene
19 of the Laquan McDonald shooting?

20 A. Yes.

21 Q. And he showed you footage of Laquan
22 McDonald walking?

23 A. Yes.

24 Q. Is it fair to say you don't know

1 whether he showed you the actual shooting?

2 A. Yes.

3 Q. Is it possible he showed you the
4 shooting?

5 A. It's possible.

6 Q. Other than his showing to you of the
7 footage of the scene of the Laquan McDonald
8 shooting, did he provide you with any other
9 information regarding the shooting of Laquan
10 McDonald as you were giving him statements
11 regarding your version of events?

12 A. I'm sorry, was he...

13 Q. Did he provide you any other
14 information? He showed you the video. Did he
15 provide you any other details regarding the
16 shooting as you were discussing the -- your
17 witnessing of the shooting?

18 MS. RUSSELL: I think -- I don't think her
19 testimony was that they were discussing the --
20 what she witnessed in the room, the video. She
21 did in the car.

22 BY MR. NEUMER:

23 Q. At any point in the night of
24 October 20th, 2014, when you were talking to

1 Detective March, did he provide you details
2 regarding the shooting of Laquan McDonald?

3 A. No.

4 Q. Other than showing you the video at
5 Area Central?

6 A. No.

7 Q. Nothing else?

8 A. No.

9 Q. Did he ever direct you to make
10 certain statements regarding what you witnessed?

11 A. No.

12 Q. Did he ever tell you what you said
13 you saw was not accurate?

14 A. No.

15 Q. I think now we are going to move on
16 to dash cam. And we want to talk to you about
17 the 841 Robert in-car video system. That
18 841 Robert is also Vehicle 8948.

19 Do you have a recollection of the
20 vehicle number you were driving -- you were a
21 passenger in on the night of October 20th, 2014?

22 A. I don't remember. We change vehicles
23 every day.

24 Q. If we showed you a report showing

1 that vehicle 841 Robert was Vehicle Number 8948,
2 would you have any reason to doubt the accuracy
3 of that report?

4 A. No.

5 Q. And we'll show you that -- we'll get
6 to that.

7 So generally what's the purpose of an
8 in-car video system?

9 A. To make -- I'm sorry. Just to make
10 sure everything's logged in that it's keeping --
11 that if we arrived on scene -- arrive on a scene
12 of a call or a traffic stop, that we're
13 following, you know, our rules. And if anything
14 goes awry with the subjects being stopped or
15 even can go wrong, it's kind of to protect both
16 parties.

17 Q. And so that in-car video system, it
18 captures video and audio; is that correct?

19 A. Yes.

20 Q. And can you walk us through the ways
21 you interact with the in-car video system as
22 part of your daily duties.

23 A. You -- well, when you start your
24 tour, you have to log in. The mics do not work

1 if the camera doesn't work. So if the camera
2 doesn't work, your mics do not work. The mics
3 have to be synced to the camera.

4 Q. And you sync those mics prior to the
5 start of your tour of duty?

6 A. To the start of the tour, yeah. Yes.
7 When you turn on your camera at the beginning of
8 your tour, you sync the mics, and then they
9 should all -- everything should be working.

10 Q. And then throughout the rest of your
11 shift, another -- what other ways do you use the
12 in-car video system for your vehicle?

13 A. Again, to video any kind of calls,
14 stops, interactions with specific people.

15 Q. And now I want to talk -- as of
16 October 20th, 2014, what rules and regulations
17 governed your use of the in-car video system?

18 A. I'm sorry?

19 Q. Do you know what rules and
20 regulations applied with respect to your or any
21 officer's use of the in-car video system?

22 A. The use of it? That we have to use
23 it?

24 Q. (Nodding.)

1 A. Yes, it's a procedure that we have to
2 use it.

3 Q. I'm going to show you what we will
4 mark as Exhibit 7. This is Special Order S03-05
5 issued February 23, 2012.

6 (WHEREUPON, a certain document was marked
7 Exhibit No. 7, for identification, as of
8 03/16/2016.)

9 BY MR. NEUMER:

10 Q. And this is a Chicago Police
11 Department Special Order pertaining to in-car
12 video systems. I would direct your attention to
13 Section 6 on Page 3 titled Operational
14 Procedures.

15 So have you seen Exhibit 7, this
16 Special Order before, Officer Fontaine?

17 A. 6 or 7?

18 Q. Sorry, it's Exhibit 7. Section 6 of
19 Exhibit 7. But I'm asking you more broadly,
20 have you seen this exhibit, this Special Order
21 prior to today?

22 A. Yes.

23 Q. Okay. And where did you come into
24 contact with this Special Order?

1 A. They have them in the stations.

2 Q. Did you ever receive training on
3 these procedures?

4 A. Yes.

5 Q. Tell us about this training or those
6 trainings.

7 A. The training was done through
8 eLearning, which is programmed into the
9 computer, where you bring it up and they give
10 you -- they show you how to turn it on, how to
11 turn it off, how it works.

12 Q. And how long did that training take?

13 A. I'm not quite sure, but maybe an
14 hour, 45 minutes, hour.

15 Q. Did you receive any other trainings
16 other than that eLearning training?

17 A. Not that I recall.

18 Q. Did you ever go to the academy for a
19 training on in-car video systems?

20 A. I don't remember.

21 Q. With respect to that Section 6 on
22 Page -- actually, I think it's Page -- no, it is
23 Page 3, do you see the portion of Section
24 6(A)(1) where it says, "At the beginning of a

1 tour of duty" -- I'll insert department
2 members are to -- "visually inspect the in-car
3 video system equipment for damage; obtain the
4 remote transmitter/audio recorder and ensure
5 that it is securely fastened to member's person;
6 follow the startup procedures for the in-car
7 video system as trained and ensure the system is
8 working properly."

9 Do you see that section?

10 A. Yes.

11 Q. Were you familiar with that section?

12 A. Yes.

13 Q. Okay. Were you familiar with that
14 section as of October 20th, 2014?

15 A. Yes.

16 Q. Did you know that you were to follow
17 those procedures outlined in Section 6(A)(1) of
18 Exhibit 7?

19 A. Yes.

20 Q. Okay. Let's see, do you see the note
21 in that same section --

22 (WHEREUPON, discussion was
23 had off the record between Counsel and
24 Witness.)

1 MS. RUSSELL: Sorry.

2 BY MR. NEUMER:

3 Q. Do you see the note in that same
4 section that states, "Members will immediately
5 notify supervisor if at any time the in-car
6 video system is inoperable, damaged, the
7 equipped vehicle becomes inoperable, or the
8 remote transmitter/audio recorder is missing"?

9 A. Yes.

10 Q. Did you ever -- was there ever an
11 occasion where you had to notify your supervisor
12 regarding a damaged in-car video system?

13 A. Yes.

14 Q. Okay --

15 A. Can -- go ahead.

16 Q. Tell us, how does that process work
17 when you have to notify a supervisor about a
18 damaged in-car video system?

19 A. The procedure we had at that point
20 was, because we're so short on cars, we -- they
21 assign us a car, and we have to take the car
22 that's assigned to us.

23 If the equipment's not working, the
24 sergeant by -- sometimes they get stuck in the

1 station, but by -- when they come out, they'll
2 PDT us and they'll ask us, How's the camera?
3 How's the mics?

4 Q. Who will come out?

5 A. The sergeant. We have to send them a
6 message over the computer stating the cameras
7 are working or they're not working or -- when
8 they're not working, there's a ticket number.
9 The ticket number's like a work request that it
10 has to be worked on for the vehicles.

11 So as long as there's a ticket
12 number, they want us to take the car out. And
13 then we, in turn, will notify the sergeant when
14 he comes out on the street saying, you know
15 what, we have a ticket number, our camera's not
16 working.

17 Q. So would you notify your -- and I'm
18 talking -- let's direct this all to
19 October 20th, 2014, --

20 A. Yes.

21 Q. -- the procedures that are in place
22 as of that time. Would you notify your sergeant
23 every day like, Camera's working or in-car video
24 system is working, or only when it wasn't

1 working would you talk to your sergeant about
2 it?

3 A. Every day. It's working every day or
4 it's not working or a ticket number.

5 Q. So -- okay. So let's say it's not
6 working -- again, going back to that. And I
7 think you touched on this, but like if you try
8 and power on the system or find out it's not
9 working in whatever way, what do you do?

10 A. Well, if it's not working, like I
11 said, and has a ticket number, we still have to
12 go out.

13 Q. Okay. And how do you know if it has
14 a ticket number, the vehicle has a ticket
15 number?

16 A. Because there's an actual -- it says
17 ticket number, and they have it on the camera or
18 they have it somewhere around in the camera.

19 Q. What if there's no ticket number on
20 the camera?

21 A. Then we have to notify the sergeant
22 that it's not working and then -- you know, I
23 don't know if he calls -- I don't know what he
24 does, but apparently they're the only ones who

1 can get a ticket number.

2 Q. So you call your sergeant, you tell
3 them the in-car video system's not working, and
4 is that it?

5 A. That's it.

6 Q. And sergeant does whatever he does.
7 You don't know what he does.

8 A. Exactly.

9 Q. Are you familiar with the term "help
10 desk ticket"?

11 A. Yes.

12 Q. Is that the -- does that differ from
13 the ticket you were talking about?

14 A. I'm assuming -- I don't know if
15 that's the same ticket the sergeant gets, I
16 don't know.

17 Q. But there's like a sticker on -- like
18 say someone had called your supervisor -- say
19 you call your supervisor and report something,
20 in-car video system's not operating, right?

21 A. Yes.

22 Q. Are you then supposed to get some
23 sort of sticker or something and put that on the
24 camera?

1 A. Not a sticker. They just give us a
2 ticket number and we write it down on any piece
3 of paper we have, and then we have to make sure
4 it's somewhere stuck or shoved --

5 Q. Visible.

6 A. Visible. On the camera. So
7 whatever --

8 Q. You can write it on whatever scrap of
9 paper and tape it up there?

10 A. Mm-hm. Yes.

11 Q. So, let's see, you were the passenger
12 in the 813 Robert vehicle on October 20th, 2014?

13 A. No.

14 Q. 841?

15 A. Yes.

16 Q. Right. I apologize. Let's try this
17 again.

18 You were the passenger in the
19 841 Robert vehicle on October 20th, 2014, right?

20 A. Yes.

21 Q. And 841 Robert, that -- well, let me
22 just back up a little bit.

23 Were you in the same -- generally,
24 are you in the same vehicle every day as part of

1 your officer duties?

2 A. They try to keep you in the same
3 vehicle.

4 Q. Do you have any recollection, with
5 respect to the vehicle you were in on
6 October 20th, 2014, whether you had been in that
7 vehicle for the days prior?

8 A. I'm not sure.

9 Q. But generally you'd be in the same
10 vehicle for a matter of days or weeks? Or tell
11 me how that works.

12 A. Yes, if everything goes well, yes,
13 then we can have the car almost, you know,
14 months at a time.

15 Q. Okay. And so the 813 Robert
16 vehicle -- 841 Robert vehicle had an in-car
17 video system, right? For the vehicle you were
18 driving on October 20th, 2014.

19 A. Yes.

20 Q. And as of October 20th, 2014, how
21 long had you been either the -- working and
22 driving and being the passenger in CPD vehicles
23 that had in-car video systems?

24 A. It had been a while since we were in

1 one with a camera. Is that the question?

2 Q. Well, say more about what you mean.

3 Prior to October 20th, 2014, you had not been
4 driving vehicles or being a passenger in a
5 vehicle with an in-car video system?

6 A. There was a lot of -- for the most
7 part, 841 Robert, it's a rapid car, so they get
8 the last --

9 Q. Rapid?

10 A. Rapid.

11 Q. What does that mean?

12 A. This means that in-progress calls for
13 the whole -- like we have 10 sector, 30 sector,
14 20 sector.

15 Q. Okay.

16 A. So we're not assigned to a beat, so
17 we just kind of float around. And because we're
18 not assigned a beat, we're the last ones to get
19 whatever's left. They want the beat cars out
20 there first, so, basically, whatever's left,
21 they give it to us.

22 Q. Okay.

23 A. So a lot of times it's the pool cars
24 that they give the rapid cars, which the pool

1 cars are cars that -- you know, something's
2 wrong with them.

3 Q. And so those pool cars don't have
4 in-car video systems?

5 A. Exactly.

6 Q. So how long had you been driving or
7 assigned a CPD vehicle that had an in-car video
8 system?

9 A. I don't recall.

10 Q. Was it a matter of years, do you
11 think, prior to October 20th, 2014?

12 A. I don't think it was years, but --
13 I -- I don't recall because we float around
14 sometimes.

15 Q. With respect to the vehicle you were
16 driving on October 20th, 2014, do you recall
17 having issues with that vehicle's in-car video
18 system on previous tours?

19 A. Yes.

20 Q. Tell us about those issues.

21 A. The -- well, there had been a ticket
22 number on it for a very -- for a while, and --
23 see, because they changed it. But a lot of --
24 that vehicle, the camera wasn't working and it

1 had a ticket number.

2 Q. The vehicle you were driving on
3 October 20th, 2014?

4 A. Passenger, yes.

5 Q. The in-car video system wasn't
6 working?

7 A. No.

8 Q. And you're saying it had a ticket
9 number on it?

10 A. Yes. I --

11 Q. I want you to be very clear here.
12 Are you saying that there was a ticket number
13 stickered to the -- somewhere around the camera
14 on the 841 Robert vehicle on the night of
15 October 20th, 2014?

16 A. Yes.

17 Q. That's your recollection, that there
18 was a -- some sort of sticker with a ticket
19 number?

20 A. There was a piece of paper with the
21 ticket number, yes.

22 Q. So on -- do you recall whether you
23 had driven the 813 -- 841 Robert vehicle on the
24 previous day?

1 A. I don't recall.

2 Q. Do you recall what -- so do you
3 recall that 841 Robert vehicle having a sticker
4 on its camera like that previous day, the
5 previous week?

6 A. Having a ticket number on it, yes.

7 Q. In the previous week?

8 A. Yes.

9 Q. I'm sorry, prior to October 20th,
10 2014.

11 A. Yeah, I -- I'm not sure.

12 MS. RUSSELL: Can we take a quick break?

13 MR. NEUMER: It's 3:56 p.m. We'll go off
14 the record.

15 (WHEREUPON, a recess was had.)

16 MR. NEUMER: The time is 4:03 p.m. We're
17 back on the record.

18 BY MR. NEUMER:

19 Q. Officer Fontaine, do you have
20 something you'd like to say clarifying your
21 statement regarding a ticket on the camera of
22 the 841 Robert vehicle on the night of
23 October 20th, 2014?

24 A. Yes, I'm not sure if there was a

1 ticket number because we do jump from car to
2 car, so I -- I don't recall.

3 BY MR. NEUMER:

4 Q. I want to direct your attention again
5 to the night of October 20th, 2014. Do you
6 recall what sort of procedures you followed at
7 the beginning of your tour with respect to the
8 preparation of the in-car video system for the
9 841 Robert vehicle?

10 A. At -- because it was so early in the
11 beginning of the tour, we were still waiting for
12 our sergeant to come out so we can send him a
13 message.

14 Q. So do you have an independent
15 recollection of attempting to start up the
16 in-car video system for the 841 Robert vehicle
17 on October 20th, 2014?

18 A. No, we didn't try it because of
19 the --

20 Q. Sorry, let me -- I'm asking whether
21 you have a specific recollection of
22 October 20th, 2014, and the startup procedures
23 you either attempted or were going to attempt on
24 the night -- on that night. Does that make

1 sense?

2 A. Yes.

3 Q. Okay.

4 A. Again, because I'm not sure if it had
5 a ticket number or not, I don't -- I don't --
6 again, depending on if there's no ticket, we try
7 it. But if there's a ticket, we don't. So
8 because I don't know, I can't -- I'm not sure.

9 Q. You're not sure what kind of
10 protocols you followed with respect --

11 A. Exactly.

12 Q. -- in-car video system for the
13 841 Robert vehicle on October 20th, 2014?

14 A. Yes.

15 Q. Do you have any recollection whether
16 you visually inspected the in-car video system
17 for the 841 Robert vehicle for any equipment
18 damage?

19 A. Yes.

20 Q. You did?

21 A. Yes because we -- at the beginning of
22 the tour, we have to walk around the car and
23 make sure if there's any damage outside of it,
24 and then we check inside to make sure there's

1 nothing left from anyone. And so we did do
2 that.

3 Q. You and Officer Viramontes?

4 A. Yes.

5 Q. And you recall doing that on
6 October 20th, 2014, before the start of your
7 tour?

8 A. When we get on -- get to the vehicle,
9 that's the first thing we do.

10 Q. And where is the vehicle located?

11 A. In the parking lot.

12 Q. And where is the parking lot located?

13 A. The district is 3420 West 63rd
14 Street.

15 Q. Okay. So you recall getting to the
16 parking lot at 3420 West 63rd Street and you and
17 Officer Viramontes doing a visual inspection of
18 the outer --

19 A. The outside and inside.

20 Q. So you do an interior and exterior
21 visual inspection of the in-car video system on
22 October 20th, 2014?

23 A. Yes.

24 Q. Did you log in to the in-car video

1 system for the 841 Robert vehicle on
2 October 20th, 2014?

3 A. To the video part of it?

4 Q. Well, just the in-car video system
5 you have to log into it, right?

6 A. We have to log into it. No.

7 Q. Did you log into the in-car video
8 system for the 841 Robert vehicle on
9 October 20th, 2014?

10 A. No.

11 Q. Why not?

12 A. Again, it wasn't working.

13 Q. So log-in was not possible?

14 A. We didn't try it because -- if it had
15 a ticket, we didn't try it. And I remember not
16 trying it.

17 Q. But you don't --

18 A. -- I don't remember if there was a
19 ticket or not.

20 MS. RUSSELL: Can we have a minute, please?

21 MR. NEUMER: Sure. 4:07 p.m. We'll go off
22 the record.

23 (WHEREUPON, a recess was had.)

24 MR. NEUMER: 4:07 p.m. We're back on the

1 record.

2 BY MR. NEUMER:

3 Q. Do you want to make a statement or --
4 I can't remember what the last question was.

5 A. About turning on the in-car camera?

6 Q. Yes.

7 A. Because I do believe there was a
8 ticket number, that's why I didn't try to log
9 in.

10 Q. You believe there was like some sort
11 of taped-up number on the in-car video system
12 somewhere on the camera?

13 A. Yes.

14 Q. So would there have been any reason
15 for you to sync the microphone to the in-car
16 video system for the 841 Robert vehicle on
17 October 20th, 2014?

18 A. No.

19 Q. Because it wasn't working?

20 A. Exactly.

21 Q. Okay.

22 A. Yes.

23 Q. And there would be no point in
24 verifying that the microphones were synced and

1 operational because the in-car video system for
2 the 841 Robert vehicle was not working on
3 October 20th, 2014?

4 A. Yes, you can't sync them if it's not
5 on.

6 Q. Right. And it's fair to say that
7 there would have been no audio or video
8 recovered from the 841 Robert vehicle's in-car
9 video system the night of October 20th, 2014?

10 A. Yes.

11 Q. Because the in-car video system
12 wasn't working?

13 A. Yes.

14 Q. And did you at any time on
15 October 20th, 2014, or prior to October 20th,
16 2014, intentionally tamper with the in-car video
17 system for the 841 Robert vehicle causing it to
18 be nonfunctional?

19 A. No.

20 Q. Do you know if Officer Viramontes at
21 any time on October 20th, 2014, or prior to
22 October 20th, 2014, intentionally tampered with
23 the in-car video system for the 841 Robert
24 vehicle on -- causing it to be nonfunctional?

1 A. No.

2 MR. NEUMER: At this time we are going to
3 hand you what has been previously marked as
4 Exhibits 8, 9, and 10.

5 (WHEREUPON, Exhibit No. 8, No. 9 and
6 No. 10 were tendered to the witness.)

7 BY MR. NEUMER:

8 Q. This all has to do with the
9 841 Robert vehicle, and its in-car video system.

10 So Exhibit 8 is a Supplementary
11 Report created by Sergeant Lance Becvar
12 regarding his findings as to the in-car video
13 systems for five CPD vehicles that were at the
14 scene of the Laquan McDonald shooting including
15 the 841 Robert vehicle.

16 Exhibit 9 is an in-car camera Video
17 Retrieval Worksheet dated October 20th, 2014,
18 that has notes regarding the five vehicles that
19 were at the scene of the Laquan McDonald
20 shooting including the 841 Robert vehicle.

21 And then Exhibit 10 is an e-mail
22 dated Friday, July 17, 2015, from Sergeant Lance
23 Becvar to Jonathan Lewin regarding his findings
24 as to the in-car video systems for Vehicle

1 9- -- well, it says 8949, it's actually
2 referring to 8948, which is the 841 Robert
3 vehicle.

4 So take a moment. Please look these
5 over, these three exhibits, and let me know when
6 you've had a chance to look these over. You
7 don't -- just let me know when you've had a
8 chance to look these over.

9 MS. RUSSELL: So how do we know that the --
10 this 8949, how do we know it's actually not 8949
11 and it's hers?

12 BY MR. NEUMER:

13 Q. Right, so if you look at Exhibits 8
14 and 9, they refer --

15 MS. RUSSELL: They flow?

16 BY MR. NEUMER:

17 Q. -- 841 Robert vehicle as 8948, both 8
18 and 9 do. So I think it is fair to say we've
19 also confirmed with Sergeant Lance Becvar that
20 that was a typo, that 8949 is actually 8948, but
21 it is true that it refers to Vehicle 8949.

22 So I'm proceeding under the
23 assumption that the Vehicle 8949 referenced in
24 the Exhibit 10 e-mail from Lance Becvar to

1 Jonathan Lewin in actuality refers to the
2 841 Robert vehicle, 8948.

3 And with respect to -- I'll direct
4 your attention to exhibit -- why don't we go to
5 Exhibit 8. You'll see that near the bottom of
6 Exhibit 8, which is the Supplementary
7 Report -- you've got it.

8 With respect to Beat 841 Robert
9 vehicle, 8948, he notes, "Not engaged. Officer
10 reported application error." So my question is,
11 do you recall having a conversation with
12 Sergeant Becvar on the night of October 20th,
13 2014, regarding the 841 Robert or Vehicle 8948
14 in-car video system?

15 A. No.

16 Q. Do you know who Sergeant Lance Becvar
17 is?

18 A. No.

19 Q. Ever heard that name?

20 A. No.

21 Q. Do you recall ever having
22 conversations with anyone regarding the in-car
23 video system of the 841 Robert vehicle on the
24 night of October 20th, 2014?

1 A. No, I don't recall.

2 Q. So, again, Officer -- sorry, Sergeant
3 Becvar notes in his Supplementary Report that
4 the in-car video system for 841 Robert vehicle
5 was not engaged and that the officer reported
6 application error.

7 What is the proper protocol for an
8 officer to follow if the in-car video system for
9 their vehicle is not functioning properly?

10 A. Notify the sergeant.

11 Q. And did you notify your sergeant on
12 October 20th, 2014, regarding Vehicle 8948 or
13 the 841 Robert vehicle's in-car video system?

14 A. No, because it was so early in the
15 night.

16 Q. Okay. Say more. What does that mean
17 that it was early in the night?

18 A. It was so early in the night because,
19 like I said, until the sergeant comes out, we
20 can't send them a message on the PDT.

21 Q. And when does he come out?

22 A. Depending on what he has to do.

23 Q. So when would it be appropriate to
24 send him a message regarding an inoperable

1 in-car video system?

2 A. Usually between -- we usually try
3 between 10:30 and...

4 Q. 10:30 and after?

5 A. 10:30, yes, and after.

6 Q. Did you intend on the night of
7 October 20th, 2014, to contact your sergeant
8 about a malfunctioning in-car video system?

9 A. Yes.

10 Q. You did intend to do that?

11 A. Yes, we were going to let him know
12 that it wasn't working.

13 Q. At any point in the evening of
14 October 20th, 2014, or the morning of
15 October 21st, 2014, did you notify -- is it
16 Sergeant Franko?

17 A. Sergeant Franko.

18 Q. At any time on the night of
19 October 20th, 2014, or the morning of
20 October 21st 2014, did you notify Sergeant
21 Franko about a nonfunctioning in-car video
22 system in the 841 Robert vehicle, Number 8948
23 and its in-car video system?

24 A. Not that I recall.

1 Q. Do you recall whether at any time
2 after October 20th or October 21st you notified
3 Sergeant Franko about a nonfunctioning in-car
4 video system in the 841 Robert vehicle?

5 A. At -- after the 20th?

6 Q. Yep, after the 20th, after the 21st,
7 did you ever notify Sergeant Franko about a
8 nonfunctioning --

9 A. Yes.

10 Q. -- in-car video system in the
11 841 Robert vehicle?

12 A. Yes.

13 Q. When did you do that?

14 A. I -- I'm not sure, but they -- I
15 can't remember if I was audio or not, but it --
16 it happened again where we had a ticket number
17 on our vehicle.

18 Q. Do you recall whether that was the
19 same vehicle you were driving -- sorry, you were
20 the passenger in on October 20th, 2014?

21 A. I don't remember.

22 Q. Do you recall ever notifying Sergeant
23 Franko about an issue with a nonfunctioning
24 in-car video system for the 841 Robert vehicle

1 after October 20th, 2014?

2 A. Again --

3 MS. RUSSELL: Do you remember or not?

4 BY THE WITNESS:

5 A. No.

6 BY MR. NEUMER:

7 Q. Do you recall filing a help desk
8 ticket with respect to the Vehicle Number 8948
9 with respect to its nonoperational in-car video
10 system?

11 A. No.

12 Q. Any reason --

13 (WHEREUPON, discussion was
14 had off the record between Counsel and
15 Witness.)

16 BY THE WITNESS:

17 A. I don't -- I didn't because we don't
18 do that. Only a sergeant can do that.

19 BY MR. NEUMER:

20 Q. Only the sergeant can do the --

21 A. Only a sergeant --

22 Q. Help desk ticket?

23 A. Yes. Not a regular officer. We
24 can't do that.

1 Q. Can you -- do you have any sense as
2 to why there was no audio recovered from any of
3 the five vehicles, the CPD vehicles that were at
4 the scene of the Laquan McDonald shooting?

5 A. No.

6 Q. Were you -- did you know before today
7 that there was no audio recovered from any of
8 those five vehicles at the scene of the Laquan
9 McDonald shooting?

10 A. Oh, yes.

11 Q. You did? Were you surprised to hear
12 that none of those five vehicles captured any
13 audio?

14 A. Yes.

15 Q. Why were you surprised?

16 A. I always assumed if the camera's
17 working, the video -- the audio's working. That
18 was my assumption.

19 Q. Have you ever heard of a practice
20 amongst Chicago police officers to disable the
21 audio component of their vehicles in-car video
22 systems?

23 A. Have I ever heard of people doing
24 that?

1 MS. RUSSELL: I think the question was,
2 have you heard of a practice.

3 BY THE WITNESS:

4 A. No.

5 BY MR. NEUMER:

6 Q. Have you ever heard of occasions
7 where Chicago police officers have disabled
8 intentionally their in-car video systems?

9 A. No.

10 Q. Never?

11 A. No. Not that somebody actually did
12 it, no.

13 Q. Going to the Notice of Allegations,
14 it is alleged that on or about October 20th,
15 2014, you failed to ensure the in-car video
16 system for CPD Vehicle 8948 was working properly
17 at the beginning of your tour of duty.

18 What is your response to that
19 allegation?

20 A. My response is I -- it happened so
21 early in the night I didn't have a chance to
22 follow our protocol that we're used to because
23 if it was 3:00 in the morning, you would have
24 noticed it would have been done.

1 Q. But at any time after 10:30 on the
2 night of October 20th, 2014, did you notify your
3 sergeant of an issue with the 8948 vehicle's
4 in-car video system?

5 A. No because everybody was running
6 around doing other stuff, and I -- I didn't.

7 (WHEREUPON, discussion was
8 had off the record between Counsel and
9 Witness.)

10 MS. RUSSELL: Can we go off the record?

11 MR. NEUMER: Sure. The time is 4:20 p.m.
12 and we'll go off the record.

13 (WHEREUPON, discussion was
14 had off the record.)

15 MR. NEUMER: 4:21 p.m. We're back on the
16 record.

17 BY MR. NEUMER:

18 Q. Clarifying statement,
19 Officer Fontaine?

20 A. I didn't notify him because we were
21 already in the area -- we were at the Area.

22 Q. You were at Area Central at 10:30?

23 A. No, when -- first of all, everything
24 was going on and then, like I said, I didn't

1 notify him because when we went to the Area,
2 again, everybody was kind of doing so much
3 different things I didn't have a chance to do
4 it.

5 Q. Is it fair to say you forgot to
6 notify your sergeant about the inoperable in-car
7 video system for vehicle 841 Robert?

8 A. Yes.

9 Q. It is alleged that on or about
10 October 20th, 2014, you failed to immediately
11 notify a supervisor that the in-car video system
12 for CPD Vehicle 8948 was inoperable or damaged.
13 What is your response to that allegation?

14 A. I didn't notify him right away and
15 also because I assumed there was a -- I thought
16 there was a ticket, so I thought it was already
17 reported.

18 Q. It is alleged that on or about
19 October 20th, 2014, you failed to record audio
20 and video events with CPD Vehicle 8948's in-car
21 video system during your tour of duty. What is
22 your response to that allegation?

23 A. I thought it was broken, so that's
24 why it -- there was no video or audio.

1 Q. Is there any -- are there any
2 documents or -- that you're aware of that would
3 sort of corroborate your statement that there
4 may have been a sticker or a ticket on the
5 camera for the 813 Robert vehicle on
6 October 20th, 2014?

7 A. No.

8 Q. Would there be any record that you're
9 aware of that would show that someone had placed
10 a sticker or ticket, taped it up to the camera
11 of the 841 Robert vehicle's -- to that vehicle's
12 camera?

13 A. The only record would be with whoever
14 the sergeant requests the number through, but
15 that's -- that's the only thing besides
16 having -- or me taking a picture of it, which
17 from now on I will.

18 Q. If there are no help desk tickets
19 open for that 841 Robert vehicle, I mean, would
20 that -- strike that.

21 I don't believe there are any help
22 desk tickets open for the 841 Robert vehicle, so
23 how do you explain the lack of a help desk
24 ticket with respect to the 841 Robert vehicle

1 with your statement that you thought there was a
2 sticker placed on the camera for the vehicle on
3 the night of October 20th, 2014?

4 A. I don't know.

5 Q. Is it possible that there was no
6 sticker placed on the camera for the 841 Robert
7 vehicle on the night of October 20th, 2014, and
8 you just forgot to notify your sergeant
9 regarding the nonoperational in-car video
10 system?

11 A. No.

12 Q. Not possible?

13 A. No, because I -- that's one thing
14 that if it -- if there's not a ticket number or
15 something, I do it. This is something that I
16 do.

17 Q. Yeah, I just -- it's -- you know, I
18 think you've been very forthcoming, and I
19 just -- I think there's perhaps a little bit of
20 a disconnect here.

21 And I want to give you the
22 opportunity -- this is your, kind of,
23 opportunity to explain to us what might have
24 happened that night. So I -- do you have

1 anything else to add regarding the...

2 (WHEREUPON, discussion was
3 had off the record between Counsel and
4 Witness.)

5 BY THE WITNESS:

6 A. I mean, looking back, you know, I
7 thought there was a ticket number. Apparently
8 there wasn't. I -- that's -- I don't remember.

9 MR. NEUMER: Kris, follow-up?

10 MR. BROWN: Just a couple follow-ups on the
11 dash camera stuff.

12 BY MR. BROWN:

13 Q. Those duties you mentioned earlier as
14 far as checking the camera system and the mic
15 system, do those duties hold for the passenger
16 and the driver of a vehicle?

17 A. Yes.

18 Q. And if -- and correct me if I'm
19 wrong -- I think you said that if the camera
20 system is operational, you would send a PDT
21 notification to your sergeant and you would also
22 send a notification if the system was not
23 operational, right?

24 A. Either case, yes.

1 Q. So in the case where just like for --
2 I'm not going to say specifically for
3 October 20th, 2014, but if the system isn't
4 working, yourself and your partner would both
5 send a message in the PDT system saying it's not
6 working?

7 A. No, because we're together, so we'll
8 send the sergeant a message saying we're using
9 this vehicle, camera not working, under ticket
10 number; mic's not working, under ticket number,
11 blah, blah, blah. So we would both send one.

12 Q. Who would normally send the PDT
13 message?

14 A. It varies. Whoever -- whoever -- it
15 just varies.

16 Q. It's not -- there's no rhyme or
17 reason --

18 A. No.

19 Q. -- it's not necessarily the driver or
20 the passenger, it's just whoever?

21 A. Yeah. It's just who signs on first.
22 Like if, say, I'm doing still my check and he's
23 already done with his and he's in there and he
24 just does it, then he'll do it. If it's the

1 other way around, I'll do it.

2 So there's -- I mean, for us, there's
3 no rhyme or reason. We just -- either one of us
4 does it.

5 Q. Okay. Even if there's a note on the
6 car about it not working, you would still put a
7 PDT message in, correct, either yourself or your
8 partner?

9 A. Yes.

10 Q. And, in theory, the days preceding
11 whoever used that vehicle -- I'm talking about
12 the 841R vehicle -- they, whoever used the
13 vehicle, would also have put in a PDT message
14 relating to the video system working or not
15 working, correct?

16 A. I can't answer for everybody. I
17 don't know what they do.

18 Q. Sure. I'm not trying to -- because I
19 don't know for certain if you drove the car the
20 day before or, you know, if Viramontes was in
21 the car the day before. I'm asking just more so
22 is it just general policy in your district that
23 pretty much whoever is in the car, they're going
24 to send a PDT message to the sergeant if the

1 video system is either working or not working?

2 A. Yes.

3 Q. Do you know if the sergeant ever
4 followed up if he doesn't receive a message
5 about the system not working?

6 A. He'll send messages. If somebody
7 doesn't send him a message, he'll send a message
8 about your vehicle and stuff.

9 Q. Do you recall receiving such a
10 message on October 20th or I guess maybe even
11 the next day, October 21st, 2014?

12 A. No.

13 Q. Do you recall getting any message
14 maybe in the later days about that one
15 particular day, October 20th, 2014?

16 A. No.

17 Q. Other than the PDT message, is there
18 any other notification that you would make to
19 the sergeant or anyone else if there was an
20 issue with the video or, I guess, the audio in
21 the vehicle?

22 A. No, just the sergeant.

23 Q. But I mean other than the PDT
24 message, would there be anything else? Would

1 you do an e-mail or a phone call or anything
2 else?

3 A. No.

4 Q. Just PDT message?

5 A. Yeah, or if we see him on a call face
6 to face. I mean, otherwise, it's just a PDT.

7 Q. So even if you see him face to face,
8 do you not have to do the PDT for that day?

9 A. Well, we do. We send a message.

10 Q. And you send it -- is that because
11 it's policy, or why do you send it even though
12 you've seen him that -- the sergeant that day?

13 A. To make sure it's notated that we --
14 so we have proof that we -- that we're covering
15 ourselves.

16 Q. That makes sense. As far as you
17 know, is that policy or --

18 A. I don't know.

19 Q. -- the policy?

20 A. I don't know.

21 Q. Earlier you mentioned that you --
22 that particular day of October 20th, 2014, you
23 didn't send a PDT out because the McDonald
24 incident happened fairly early and you would

1 normally send a message out around 10:30.

2 I wanted to ask why is it that you
3 have to wait until 10:30 to send a message?
4 Can't you just send it whenever you notice that
5 the video system is not working?

6 A. No, the sergeant has to be logged on
7 to his PDT for it to accept messages. So even
8 if we send a message, it says it won't accept it
9 because it's not logged on.

10 Q. I see. I didn't know. I thought it
11 was like an e-mail.

12 A. Oh, no.

13 Q. So the sergeant also has to have his
14 system on to receive a message?

15 A. Yes.

16 Q. I guess in order to get it from you.

17 A. Yes. So even if we say -- that's how
18 we know he's still in the station because if we
19 try and it doesn't go through, it means he's
20 still not out.

21 Q. Does the system work where, let's
22 say, you send a message and the sergeant doesn't
23 have the system on, that he will receive your
24 message when he turns his system on?

1 A. I'm not sure.

2 Q. I guess is it safe to say that you
3 always want to make sure the sergeant has his
4 PDT system on before you send him a message?

5 A. Well, yes, because I -- to my
6 knowledge, he wouldn't receive my message.

7 Q. But your system would tell you if you
8 tried to send the message and he didn't get
9 it --

10 A. Yes.

11 Q. -- correct?

12 A. Yes, so you just keep trying.

13 Q. Okay. And, for whatever reason, the
14 sergeant usually doesn't have his PDT message
15 system on until 10:30?

16 A. No, whenever he comes out. Again,
17 sometimes -- depending on what he has to do
18 after roll call, he might be out right with us,
19 he might not. So depending on when he comes
20 out, I -- you know.

21 Q. Okay.

22 MR. BROWN: Those are all the questions I
23 have.

24 MR. NEUMER: I'm going to go off the record

1 for one moment. The time is 4:33 p.m.

2 (WHEREUPON, discussion was
3 had off the record.)

4 MR. NEUMER: The time is 4:35 p.m. We're
5 back on the record.

6 BY MR. NEUMER:

7 Q. You know, we have no substantive
8 follow-up on any of the previous topics, but we
9 will give you the opportunity -- understanding
10 what we're looking for here today, we try to be
11 thorough, we try to ask you all relevant
12 questions, but we want to give you the
13 opportunity, is there anything else you would
14 like to add today?

15 Or, put differently, are there any
16 questions that we should have asked you that we
17 didn't?

18 MS. RUSSELL: Sorry guys.

19 MR. NEUMER: The time is 4:35 p.m. We'll
20 go off the record.

21 (WHEREUPON, a recess was had.)

22 MR. NEUMER: The time is 4:37 p.m. We're
23 back on the record.

24

1 BY THE WITNESS:

2 A. I just wanted to say one thing. I've
3 answered everything as best as I could, as
4 honestly as I could, but it's stressful because
5 you're on TV, grand jury -- I'm sorry -- your
6 name's all over the place...

7 MS. RUSSELL: Let's take another quick
8 break.

9 MR. NEUMER: Time is 4:37. We'll go off
10 the record.

11 (WHEREUPON, a recess was had.)

12 MR. NEUMER: The time is 4:39 p.m. and
13 we'll go back on the record.

14 BY THE WITNESS:

15 A. I just wanted to say I've been in
16 front of the grand jury, the FBI, in the
17 newspapers. Everywhere I turn, my name is
18 there.

19 From the beginning I've been trying
20 to be honest and remember as best as I can, but
21 with everything being thrown in your face, you
22 start seeing things different. And you don't
23 want to answer wrong or you don't want to say
24 what you think you saw now because you saw

1 something else.

2 So, for this, the best of my
3 knowledge, I've answered as best and truthful as
4 I know. That's all I wanted to say.

5 MR. NEUMER: The time is 4:40 p.m. and
6 we'll go off the record.

7 (WHEREUPON, the interview was
8 concluded at 4:40 p.m.)

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1 C E R T I F I C A T E O F R E P O R T E R

2

3 I, MICHELLE M. YOHLER, a Certified
4 Shorthand Reporter within and for the County of
5 Cook, State of Illinois, do hereby certify:

6 That previous to the commencement of
7 the examination of the witness, the witness was
8 duly sworn to testify the whole truth concerning
9 the matters herein;

10 That the foregoing interview
11 transcript was reported stenographically by me,
12 was thereafter reduced to typewriting under my
13 personal direction and constitutes a true record
14 of the testimony given and the proceedings had;

15 That the said interview was taken
16 before me at the time and place specified;

17 That I am not a relative or employee
18 or attorney or counsel, nor a relative or
19 employee of such attorney or counsel for any of
20 the parties hereto, nor interested directly or
21 indirectly in the outcome of this action.

22

23

24

1 IN WITNESS WHEREOF, I do hereunto set
2 my hand and affix my seal of office at Chicago,
3 Illinois, this 18th day of March, 2016.
4
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10

Michelle Pooladi Yorlhar

11 C.S.R. Certificate No. 84-4531.
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Exhibits	1		
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CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

ADVISEMENT OF RIGHTS

I, Dora Fontaine, understand that I am being interviewed by
Peter Neumer and Kris Brown from the City of
Chicago Office of Inspector General.

DATE 3/16/16 TIME _____ LOCATION 300 W. Adams, Ste 800, Chicago, IL 6

I understand that this interview is part of an official investigation and that I have a duty to cooperate with the Office of Inspector General, which includes answering all questions completely and truthfully.

I understand that I have no right to remain silent. I understand that I have an obligation to answer questions put to me truthfully. I understand that if I refuse to answer questions put to me, I will be ordered by a superior officer to answer the questions. I further understand and I have been advised that if I persist in my refusal to answer after an order to do so, such further refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and may serve as the basis for my discharge.

I understand and have been advised that my statements or responses may constitute an official police report. I understand that Rule 14 of the Chicago Police Department's Rules and Regulations prohibits making a false report, written or oral, and I further understand that making such a false report, whether written or oral, may result in my separation from the Chicago Police Department.

I understand that any statement made by me during this interview may be used as evidence of misconduct or as the basis for disciplinary action up to and including removal or discharge.

I understand that any statement made by me during this interview and the fruits thereof cannot be used against me in a criminal proceeding.

I understand that I have the right to have a union representative, or legal counsel of my choosing, present at the interview to consult with, and that I will be given a reasonable time to obtain a union representative or legal counsel as long as the interview is not unduly delayed.

I understand that a refusal to answer any question, or any false, inaccurate, or deliberately incomplete statement by me would constitute a violation of Chicago Municipal Ordinance 2-56, and may serve as the basis for my discharge.

I acknowledge that this statement of my administrative rights has been read aloud to me, and I have been allowed to review this document.

Dora Fontaine
Employee Signature

Witness: [Signature] Witness: [Signature]

WAIVER

Understanding these rights, I wish to answer questions from investigators from the Office of Inspector General without having a union representative or legal counsel present. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Employee Signature: _____



NOTIFICATION OF INTERVIEW TO CPD MEMBER			DATE
CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL			February 19, 2016
NAME	RANK	STAR NO.	UNIT OF ASSIGNMENT
Dora Fontaine	Police Officer	4484	008

YOUR APPEARANCE IS REQUIRED

AT <input checked="" type="checkbox"/>	Amicus Court Reporters 300 West Adams, Ste. 800 Chicago, IL 60606	ON	DATE February 29, 2016	TIME 9:00 PM
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AS ☒ ACCUSED ☐ WITNESS ☐ COMPLAINANT

FOR ☒ A STATEMENT

CONCERNING

False statements made in connection with the October 20, 2014 shooting of Laquan McDonald; the operation of the Chicago Police Department's in-car video system.

YOU ARE TO REPORT TO:

LEAD INVESTIGATOR	TITLE	PHONE NO.	EMAIL
Kristopher Brown	Investigator III	773-478-0221	kbrown@chicagoinspectorgeneral.org

NOTE: You MUST notify the Lead Investigator of your inability to keep this scheduled appointment.

ALSO PRESENT AT THE INTERVIEW WILL BE:

NAME	TITLE	NAME	TITLE
Peter Neumer	Assistant Inspector General	N/A	N/A

THE INTERVIEW WILL BE ☐ AUDIO RECORDED ☒ TRANSCRIBED BY A LIVE REPORTER

TO BE COMPLETED BY INTERVIEWEE (if applicable)

ACKNOWLEDGEMENT

Please contact Investigator Brown at (773) 478-0221 to confirm receipt of Notification of Interview and to confirm your attendance at the interview.

I hereby acknowledge receipt of this Notification of Interview.

SIGNATURE *Dora Fontaine*

DATE 22 Feb 16

PRINTED NAME Dora Fontaine

TIME 2325



TO BE COMPLETED BY OFFICE OF INSPECTOR GENERAL OR CPD COMPONENT PROVIDING NOTIFICATION TO INTERVIEWEE

NOTIFICATION MADE TO:

P.O. Fontaine

TITLE, RANK, & UNIT

P.O. Dora Fontaine

DATE

22 Feb 2016

TIME

2325 HRS.

NOTIFICATION MADE BY:

Sgt. Francisco Contreras

TITLE, RANK, & UNIT

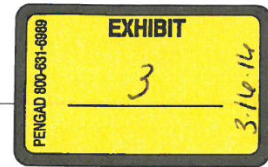
Sgt. Francisco Contreras

DATE

22 Feb 2016

TIME

2325 HRS.



NOTIFICATION OF ALLEGATIONS

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

NAME OF ACCUSED	RANK	STAR NO.	UNIT OF ASSIGNMENT
Dora Fontaine	Police Officer	4484	008

City ordinance, and if applicable, collective bargaining agreements, provide that you are entitled to notice of the nature of the allegations against you and the identity of all complainants prior to any interview. Accordingly, you are advised as follows:

COMPLAINANT(S)

1. John J. Escalante, Interim Superintendent of Chicago Police Department (CPD), sent a letter to the City of Chicago Office of Inspector General (OIG) dated January 13, 2016, requesting that OIG conduct an administrative investigation of the following allegations arising out of the October 20, 2014 shooting death of Laquan McDonald (the McDonald Shooting): "whether any officer(s) made false statement on official reports submitted in connection with the shooting of Laquan McDonald on October 20, 2014; whether any officer(s) obstructed or interfered with the investigation of this incident, either individually or in collusion with others; and whether any officer(s) committed any violation of Chicago Police Department rules, policies, or orders in connection with their response and/or handling of this matter." Escalante attached to the letter a copy of Sergeant S. Soria's (Star # 2275) Initiation Report, which raises similar allegations of misconduct with respect to Department members in connection with the McDonald Shooting, and identified that Report as a basis for OIG's administrative investigation.

ALLEGATION(S)

1. On or about October 20, 2014, you provided a false narrative to Detective David March of the Chicago Police Department (CPD) concerning the McDonald Shooting, through a series of false statements and material omissions.
2. On or about October 20, 2014, you made a false statement during an interview with CPD Detective David March of the Chicago Police Department when, with respect to the McDonald Shooting, you stated that McDonald was walking southbound, with his body facing east, toward Officers Van Dyke and Walsh.
3. On or about October 20, 2014, you made a material omission during an interview with CPD Detective March when, with respect to the McDonald Shooting, you failed to state that Officers Van Dyke and Walsh moved towards McDonald prior to the shooting.
4. On or about October 20, 2014, you made a material omission during an interview with CPD Detective March when, with respect to the McDonald Shooting, you failed to state that McDonald changed the direction in which he was walking prior to being shot by Officer Van Dyke.
5. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that McDonald raised his right arm toward Officer Van Dyke, as if attacking Van Dyke.
6. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you

stated that the gunshots Officer Van Dyke fired at McDonald were rapid fire and without pause.

7. On or about October 20, 2014, you failed to ensure the in-car video system for CPD vehicle 8948 was working properly at the beginning of your tour of duty.
8. On or about October 20, 2014, you failed to immediately notify a supervisor that the in-car video system for CPD vehicle 8948 was inoperable or damaged.
9. On or about October 20, 2014, you failed to audibly record events with CPD vehicle 8948's in-car video system during your tour of duty.

ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the identity of the complainant(s) and notice of the nature of the allegation(s) against me.

Signature *Dora Fontaine*

Date 22 Feb 16

Printed Name Dora Fontaine

Time 2335

WITNESSES

[Signature] # 894

22 FEB 2016 2335 HRS



CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL
740 North Sedgwick Street
Suite 200
Chicago, Illinois 60654

RECEIPT FORM

OIG FILE NO. 15-0564

ON

22 FEB 2016
DATE

AT

2340 HRS.
TIME

Sgt. Terrance Gordon
NAME

Sgt. of Police
TITLE

☐ SEIZED FROM

☐ RECEIVED FROM

☐ RETURNED TO

☒ RELEASED TO

NAME	TITLE	DEPT.
Dora Fontaine	Police Officer	Chicago Police Department

THE FOLLOWING ITEM(S):

- A City of Chicago Office of Inspector General DVD containing the following materials:
 - A copy of the portion of the March 16, 2015 Case Supplementary Report for R.D. No. HX475653 that memorializes Detective David March's October 20, 2014 interview of Dora Fontaine;
 - Detective March's October 20, 2014 General Progress Report for R.D. No. HX475653 concerning March's October 20, 2014 interview of Dora Fontaine;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 813R;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 845R; and
 - A October 20, 2014 Dunkin Donuts security video of the Laquan McDonald shooting.

ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the above-listed item(s).

Signature

Dora Fontaine

Date

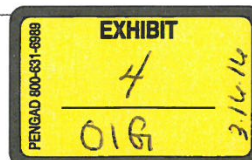
22 Feb 16

Printed Name

Dora Fontaine

Time

2340



WITNESSES

 897

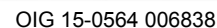
22 FEB 2016 2340 HRS

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police - Bureau of Investigative Services Personnel Only)

Case Id : 9825613
Sup ID : 10992767 CASR301

THIS IS A FIELD INVESTIGATION EXC. CLEARED CLOSED (OTHER EXCEPTIONAL) REPORT

HX475653



[illegible]

Printed By: LIPMAN, Matthew ()

stated she was a Chicago Police Officer assigned to the 008th District. She was on duty, in uniform, working on Beat 841R. FONTAINE was working with Police Officer Ricardo VIRAMONTES. The two officers were assigned to a marked vehicle. VIRAMONTES was driving the vehicle and FONTAINE was the passenger.

The two officers responded to the request for assistance made by Beat 815R, regarding a man with a knife at 41st Street and Pulaski Road. Officer VIRAMONTES drove northbound on Pulaski. When they arrived at the scene of this incident, in front of the Dunkin' Donuts restaurant, Officer FONTAINE saw a black male subject, now known as Laquan MCDONALD, walking southbound in the street, with a knife in his right hand. MCDONALD was walking sideways, with his body facing east, toward Officers Jason VAN DYKE and Joseph WALSH. These two officers were standing in the middle of the street, on the right side of their police vehicle, which was facing southbound. FONTAINE heard the officers repeatedly order MCDONALD to "Drop the knife!" MCDONALD ignored the verbal direction and instead, raised his right arm toward Officer VAN DYKE, as if attacking VAN DYKE. At this time VAN DYKE fired multiple shots from his handgun, until MCDONALD fell to the ground and stopped moving his right arm and hand, which still grasped the knife. The gunshots were rapid fire, without pause. Officer WALSH then kicked the knife out of MCDONALD's hand.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

GENERAL PROGRESS REPORT
DETECTIVE DIVISION/CHICAGO POLICE

DATE OF ORIG. CASE REPORT

DATE OF THIS REPORT

20 10 24

20 10 24

OFFENSE CLASSIFICATION—LAST PREVIOUS REPORT

VICTIM'S NAME AS SHOWN ON CASE REPORT

BEAT/UNIT ASSIGNED

0552

WANDYK

5721

This form is designed for recording handwritten notes and memoranda which are made during the conduct of investigations, including: inter-watch memoranda (handwritten or typewritten), witness and suspect interview notes, on-scene canvas notes, and any handwritten personal notes made by detectives during the field investigation of violent crimes which are used to prepare official Department case reports.

D FONTAINE

RESPONDED TO REQUEST FOR ASSIST, 815R
MAN W/ KNIFE, 41 + PULASKI

R V, DROVE N/D PULASKI

WHEN THEY ARRIVED AT SCENE IN FRONT OF JD,
SAW O WALKING S/D, IN ST, KNIFE IN R HAND
O WALKING ~~THE~~ S/D, BODY FACING E,
TOWARD JVD + JVD

POE STANDING IN ST, FOR S/D OF THEIR THREE-
TABLE FACING S/D

HEARD POE REPEATEDLY, "DROP THE KNIFE!"

O IGNORED, RAISED R ARM TOWARD VJ, AS IF
ATTACKING VJ

VJ FIRED MULTIPLE SHOTS UNTIL O FELL TO
GROUND + STOPPED MOVING R ARM + HAND, STILL
GRASPING KNIFE

SHOTS = RAPID FIRE, WITHOUT PAUSE

WALSH THEN KICKED KNIFE FROM O'S HAND

R.D.
NO.

1X475653

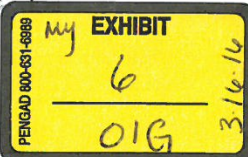
REPORTING OFFICER'S SIGNATURE—STAR NO.

RECEIVED BY: SUPERVISOR'S SIGNATURE—STAR NO.

DAY—MO.—YR. TIME

20563

CPD-23.122 (Rev. 2/83)



**IN-CAR VIDEO SYSTEMS**

ISSUE DATE:	23 February 2012	EFFECTIVE DATE:	23 February 2012
RESCINDS:	Version dated 20 April 2011; S10-10		
INDEX CATEGORY:	Field Operations		

I. PURPOSE

This directive:

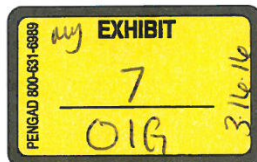
- A. implements the use of Department in-car video systems.
- B. establishes the policies and procedures for the use, maintenance, and repair of in-car video systems.
- C. establishes the roles and responsibilities of Department members affected by the introduction of in-car video systems for the video and audio recording of incidents.
- D. establishes the requirements for viewing, retaining, and duplicating digitally recorded incidents.
- E. continues the use of the Digitally Recorded Data Viewing/Hold/ Duplication Request (CPD-65.224).
- F. identifies the Records Division as the Department repository and viewing location of digitally recorded data created by the in-car video systems.

II. POLICY

The Department is committed to protecting the safety and welfare of its members and the public. The in-car video systems can provide members with an invaluable instrument to enhance criminal prosecution by providing powerful evidence of criminal activity, limit civil liabilities, and objectively document officer conduct during individual interactions. Members assigned to a vehicle equipped with an in-car video system will use it pursuant to this directive.

III. GENERAL INFORMATION

- A. There is no expectation of privacy for Department members related to incidents recorded by in-car video systems. Supervisors, members of Bureau of Internal Affairs, and the Independent Police Review Authority (IPRA) investigators may request to review the digitally recorded data from a vehicle equipped with an in-car video system. Any digitally recorded data created by the in-car video system may be used without a Department member's permission for any official Departmental purpose.
- B. The in-car video system will **automatically engage audio and video recording** when the vehicle's emergency-roof lights are activated. However, Department members may manually activate the in-car video system without the activation of the emergency equipment. At the conclusion of the incident, Department members must manually disengage all recording processes, regardless of what method activated the in-car video system.
- C. The Records Division will be the custodians of the digitally recorded data and will be responsible for the retention, duplication, and viewing of the in-car video systems. The Director, Records Division, will establish retention, viewing, and duplication procedures that provide for inventory control, the security of the digitally recorded data, and authorized duplications.
- D. All digitally recorded data created by the in-car video systems will be retained by the Records Division for a minimum of 90 days. Digitally recorded data that is marked and held as having evidentiary or training value will be retained as prescribed by law and established Department policy.
- E. In general, minor infractions and minor deviations from Department policy observed through the review of digitally recorded data will not be subject to the disciplinary process and will be treated as a training opportunity.



IV. RECORDING GUIDELINES

- A. Department members will use only Department-issued video and audio recording equipment.
- B. Department members will conform to all laws and Department policies concerning the use of the in-car video system for the video and audio recording of incidents.
 - 1. Department members are lawfully permitted to video record individuals without their consent if they are on the public way or in public view.
 - 2. Department members who are in uniform and have identified their office are lawfully permitted to simultaneously audibly and visually record individuals without their consent whenever:
 - a. the member is conducting an enforcement stop, or
 - b. the patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement.

NOTE: Any reports completed for an audibly recorded incident, including Traffic Stop Statistical Study - Driver Information Cards (CPD-21.103), Traffic Stop Statistical Study Stickers (CPD-15.516), and Personal Service Citations, must include the initial violation or investigatory need that led to the stop.

NOTE: Department members may audibly record an enforcement stop regardless of the subsequent enforcement action taken.

- 3. Department members may audibly and visually record an individual with the consent of the individual.
- C. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to simultaneously audibly and visually record the entire incident for all enforcement stops.
- D. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to visually record the entire incident for all:
 - 1. arrests and transports.
 - 2. nonpursuit emergency vehicle operations.
 - 3. any situation that the member, through training and experience, believes to serve a proper police purpose.
- E. During the recording of an incident, Department members will not disengage the in-car video system until the entire incident has been recorded.

NOTE: Department members will be required to justify any disengagement of the in-car video system prior to the entire incident being recorded.

- F. If recorded, felony and misdemeanor arrests, motor vehicle pursuits, traffic crashes resulting in property damage, personal injury, or a fatality, DUI incidents, and failure to yield to an emergency vehicle will be automatically stored by the in-car video system indefinitely when the correct event is selected from the postevent pop-up menu. All other incidents will be automatically stored for ninety days.
- G. If digitally recorded data will be needed in judicial proceedings beyond ninety days, members will place an extended hold on that digitally recorded data as described in Item VIII of this directive, including but not limited to the following circumstances:
 - 1. Traffic stops other than DUI,

2. Enforcement stops,
 3. Other traffic crash investigations, and
 4. Stops for citizen assistance.
- H. When a complaint against a Department member is received that involves a digitally recorded incident, the investigating member will request an extended hold on the data.
- I. Assigned supervisors will request an extended hold on all digitally recorded motor vehicle pursuits and traffic crashes involving Department vehicles.

V. DEPLOYMENT OF THE IN-CAR VIDEO SYSTEMS

- A. Commanding officers of units with vehicles equipped with in-car video systems will:
1. ensure that vehicles equipped with in-car video systems are evenly distributed for use by all watches.
- NOTE:** Commanding officers will ensure the units assigned to traffic duties in district law enforcement use vehicles equipped with in-car video systems.
2. whenever feasible, ensure vehicles equipped with the in-car video systems are deployed every tour of duty and service is requested for inoperable vehicles equipped with in-car video systems.
- B. The station supervisors will:
1. deploy every vehicle equipped with a functional in-car video system during the tour of duty.
 2. ensure digitally recorded data is downloaded from the in-car video systems.
 3. whenever operationally feasible, review video of any arrest recorded by the in-car video system as part of the approval of probable cause.

VI. OPERATIONAL PROCEDURES

- A. Department members assigned to a Department vehicle equipped with an in-car video system will:
1. at the beginning of a tour of duty:
 - a. visually inspect the in-car video system equipment for damage.
 - b. obtain the remote transmitter/audio recorder and ensure it is securely attached to the member's person.
 - c. follow the start-up procedures for the in-car video system as trained and ensure the system is working properly.

NOTE: Members will immediately notify a supervisor if, at any time, the in-car video system is inoperable, damaged, the equipped vehicle becomes inoperable, or the remote transmitter/audio recorder is missing.
 2. during the tour of duty:
 - a. audibly and visually record events in accordance with this directive.
 - b. annotate all reports, including Contact Information Cards (CPD-21.101), prepared for an event which has been recorded by listing "**Video Recorded Incident**" at the end of the narrative portion.

- c. after an incident has been recorded, use the post-event pop-up menu to select the most serious recorded occurrence as the event type and enter other event information.

NOTE: If the member did not use the postevent pop-up menu to mark the incident as being held for evidence, the member will request an extended hold on digitally recorded data in accordance with Item VIII of this directive.

- d. if the in-car video system indicates that the memory required to record incidents is becoming low or if the member observes that less than 30 minutes of recording time is available, download the digitally recorded data.

3. at the conclusion of a tour of duty:

- a. verify the in-car video system is working properly.
- b. initiate the downloading of the digitally recorded data.

NOTE: Members will immediately notify a supervisor if unable to complete the downloading of digitally recorded data due to technical problems.

- c. shut down the in-car video system and logoff the system.
- d. return the remote transmitter/audio recorder to the designated area for charging.

B. The sergeant assigned to supervise Department members using Department vehicles equipped with an in-car video system will:

1. monitor subordinates to ensure the in-car video system is used and that digitally recorded data is properly downloaded.
2. ensure that the Help Desk is contacted and a ticket number is obtained whenever any member is unable to use the in-car video system or download digitally recorded data due to technical problems.
3. initiate an investigation when notified of a missing or lost remote transmitter/audio recorder.
4. document on the Supervisor's Management Log (CPD-11.455):
 - a. whether each vehicle has an in-car video system and if it is functioning.
 - b. all responses related to malfunctions of vehicles equipped with in-car video systems.
 - c. digitally recorded data downloaded to land-based terminals, noting any units unable to complete the download and the Help Desk ticket number obtained.
 - d. any request submitted for an extended hold of digitally recorded data.
 - e. any instances of additional training, corrective measures, or disciplinary actions.
5. document on the Traffic Pursuit Report (CPD-22.958) or traffic crash report that the incident has been digitally recorded.
6. obtain a complaint register number and order an evidence technician to process the equipment if any damage or malfunction is suspected to have been caused by deliberate (tampering) means.

C. Station supervisors will:

1. designate a sergeant responsible for monitoring the downloading of digitally recorded data for the watch.

2. record the total number of vehicles equipped with in-car video systems deployed during the watch and the total number of these vehicle that do not have a functioning in-car video system, if any, on the Watch Incident Log (CPD-21.916).
 3. ensure the status of vehicles equipped with in-car video systems is recorded on the Personal Equipment Log (CPD-21.919) by recording the word "VIDEO" in the "Camera/Tripod No." column.
 4. if an in-car video system malfunctions or the system or vehicle becomes inoperable **during** the tour, record the vehicle and beat numbers and the words "VIDEO DOWN" on the Watch Incident Log.
- D. When digitally recorded data is determined to have evidentiary or training value, or a complaint against a Department member is received that involves a digitally recorded incident, the supervisor reviewing the recorded data will request an extended hold on the data.

VII. DOWNLOADING DIGITALLY RECORDED DATA FROM THE IN-CAR VIDEO SYSTEM

- A. When downloading digitally recorded data from the mobile unit of an in-car video system to a land-based terminal, Department members will:
1. download the data in accordance with the manufacturer's guidelines and training.
 2. ensure the download of data was complete and return the vehicle back into service.
- B. With the approval of the station supervisor in the district of occurrence, special requests for the immediate viewing of digitally recorded data from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA will be processed for major incidents where an in-car camera system may be reasonably expected to have captured a component of the incident.
1. Major incidents include, but are not limited to:
 - a. police-involved shootings,
 - b. serious injury or death to a Department member,
 - c. serious injury or death to a member of the public.
 2. Special requests for viewing digitally recorded data will be made to the station supervisor in the district of occurrence, who will:
 - a. evaluate the request;
 - b. determine if the need for retrieval outweighs the operational impact of the vehicle being taken out of service; and
 - c. notify Crime Prevention and Information Center (CPIC) of the decision.
 3. Special requests will be in the form of one of the following types:
 - a. Special wireless upload, or
 - b. Emergency on-site retrieval.
- C. Special Wireless Uploads
1. The station supervisor in the district of occurrence will take the vehicle out of service and secure it at the unit of assignment or other appropriate location.
 2. The supervisor will:
 - a. verify that the vehicle operator or partner is signed on to the in-car camera system;
 - b. instruct the member to manually flag the entire tour of duty's available video for upload;

- c. instruct the member to initiate a manual upload of this video with the vehicle in range of the facility's wireless hotspot; and

NOTE: If video cannot be uploaded via wireless hotspot, a cradle upload will be used.

- d. ensure that the vehicle remains out of service until the upload is complete.
3. Once complete, the station supervisor will allow personnel from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA, as appropriate, to review the uploaded files.

NOTE: For officer-involved shootings when an On-Call Incident Commander (OCIC) will respond, an emergency on-site retrieval will be immediately requested through CPIC.

4. The station supervisor may identify an alternate vehicle for the member to use while the identified vehicle completes its video upload, as appropriate.
 5. If an attempt to wirelessly upload is unsuccessful, members may contact the City of Chicago Help Desk at 4-DATA for assistance.
 6. If a wireless upload fails, an emergency on-site retrieval will be conducted.
- D. Emergency On-Site Retrieval

1. The station supervisor in the district of occurrence will notify CPIC of an approved emergency on-site retrieval.

NOTE: An emergency on-site retrieval will only be conducted when an OCIC is responding or a wireless upload fails and contacting the City of Chicago Help Desk at 4-DATA has not resolved the problem.

2. CPIC will notify the Public Sector Information Technology (PSIT) Group personnel of a manual video retrieval from the "fail-safe" internal drive request.
3. The station supervisor in the district of occurrence will take the identified vehicle out of service during the retrieval process.
4. If the identified vehicle is still in use when the designated supervisor arrives at the unit facility or other appropriate location, the supervisor will report to the vehicle and instruct any member logged onto the system to log off the system.
5. The vehicle will remain out of service until PSIT responds and conducts the video retrieval.

NOTE: On-site review of video will be limited to the series of events and time frame giving rise to the alleged incident.

E. Viewing and Obtaining Copies of In-Car Video Recordings

1. Once retrieval has been completed for the requested time frame, the video may be viewed by personnel from the requesting party at the location of retrieval.
2. Requests for copies of in-car video recordings will be made by completing the form entitled "Digitally Recorded Data Viewing/Hold/Duplication Request" (CPD-65.224) and forwarding it to the Records Division.

F. The Managing Deputy Director, PSIT, will:

1. establish procedures to ensure the security of the digitally recorded data from downloading to storage by the Records Division.

2. develop a system to monitor the memory capacity of the land-based terminals and provide for the security of the downloaded data.
- G. If members are unable to download digitally recorded data from the mobile unit of the in-car video system to the land-based terminals due to system inoperability:
 1. the station supervisor will notify the Help Desk and follow any further instructions given by the responding member of PSIT.
 2. A designated member of PSIT will respond to the requesting unit and:
 - a. ensure the security of the digitally recorded data.
 - b. perform a manual download of the digitally recorded data.
 - c. record the manual download on the Help Desk ticket.

VIII. REQUESTING A HOLD FOR DIGITALLY RECORDED DATA

- A. Department members will place an extended hold on digitally recorded data they recorded using the postevent pop-up menu on the in-car video system.
- B. **Within the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will request that a supervisor place the extended hold by using the land-based terminal at the district/unit station.
- C. **After the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will:
 1. complete the Digitally Recorded Data Viewing/Hold /Duplication Request form.
 2. indicate on the form the necessary actions by the Records Division.
 3. explain in the narrative portion of the form the reason for the request.
 4. submit the form to the station supervisor/designated unit supervisor for approval.
 5. submit the completed and approved form to the Records Division for processing and retention in accordance with existing records-retention requirements.
- D. Department members who wish to remove an extended hold on digitally recorded data will follow the procedures outlined in Item VIII-C of this directive indicating the circumstances requiring the removal of the extended hold.
- E. The Director, Records Division, will:
 1. develop a cataloging system for storage and retrieval of recordings and procedures for ensuring archives are maintained consistent with Department directives (including the Forms Retention Schedule), applicable state and federal laws, and compliance with all court orders.
 2. be responsible for retaining digitally recorded data for which an extended hold was requested as prescribed by law and established Department policy.

IX. VIEWING, RETAINING, AND DUPLICATING DIGITALLY RECORDED DATA

- A. All digitally recorded data created by the in-car video systems are the property of the Chicago Police Department. **Dissemination of any digitally recorded data outside the Department is strictly prohibited without specific authorization by the Superintendent or an appointed designee.**
 1. Any non-Departmental requests for duplication of digitally recorded data must be approved by the Superintendent or an appointed designee.

2. All approved requests will be forwarded in an expeditious manner to the Director, Records Division, along with:
 - a. a completed and approved Digitally Recorded Data Viewing/Hold/Duplication Request form, and
 - b. written instructions, including dissemination information, for compliance with the request.
- B. Department members assigned to vehicles equipped with in-car video systems and their supervisors are encouraged to use the review/ playback functions of the system for the purposes of:
 1. developing familiarity with the functions, capabilities, and limitations of the in-car video systems to create consistent recording techniques which capture relevant actions.
 2. searching for and identifying recorded events having evidentiary or training value.
 3. reviewing approach and officer safety issues.
 4. ensuring consistency with written reports.
- C. Reviewing Digitally Recorded Data

Investigating members may view digitally recorded data in the performance of official police business. When it is necessary to view digitally recorded data stored by the Records Division, the following procedures will apply:

 1. The requesting Department member will:
 - a. prepare a Digitally Recorded Data Viewing / Hold / Duplication Request form, including approval of the requestor's station supervisor/designated unit supervisor.
 - b. schedule an appointment to view the recorded incident with a Records Division supervisor (or an appointed designee) to ensure the availability of a technician and playback equipment.
 - c. present the properly completed and approved form to a Records Division supervisor at the scheduled time.
 2. A Records Division supervisor will:
 - a. process all approved recorded incident review requests.
 - b. assign a technician to assist the requestor in viewing the recorded incident, as required.
- D. Obtaining a Video Recording
 1. A duplicate copy of selected information may be made to retain that information:
 - a. when it is not required that the master video be retained for an indefinite period (e.g., investigation of a routine administrative incident when the punishment is of a summary or minor nature).
 - b. when the requesting member determines that a duplicate video of a master video will be sufficient.
 2. A duplicate video recording may be obtained by:
 - a. completing a Digitally Recorded Data Viewing / Hold / Duplication Request form and submitting the completed form to the station supervisor/designated unit supervisor for approval.
 - b. notifying the Records Division that a duplicate video recording is required and submit the approved Digitally Recorded Data Viewing/Hold/ Duplication Request form to the Director, Records Division.

- c. indicating to the Records Division which information from the digitally recorded data is to be included on the duplicate video recording.
3. When the duplicate video recording has served the purpose for which it was made, the requesting member will ensure that it is immediately returned to the Records Division.

NOTE: A member requesting a duplicate video recording will not make additional copies of it or permit unauthorized persons to duplicate or view it under any circumstances.

E. Special Situations

When the Records Division receives a request for an extended hold of digitally recorded data that indicates it pertains to:

1. **a motor vehicle pursuit or traffic crash involving a Department vehicle**, the Director, Records Division, will ensure a duplicate video is forwarded to the Traffic Review Board.
2. **an incident having training value**, the Director, Records Division, will ensure a duplicate video is forwarded to the Deputy Chief, Education and Training Division.

(Items indicated by italics/double underline were revised or added.)

Authenticated by: RMJ

Garry F. McCarthy
Superintendent of Police

11-055 / 12-003 EGV/RJN

$$2\text{HCl} + \text{CaO} \rightarrow \text{CaCl}_2 + \text{H}_2\text{O}$$

20 Oct 14 2157

8/5

STREET

9210

304

[illegible]

IN SUMMARY: R/S CONTINUED BY CPIC AT 2230.

20 Oct 14 for IN the Cambora (ECL) V. 1000 Potentially on Seabird 4100 S.

PULASKI RELATED TO THE ABOVE LISTED INDIVIDUAL. REQUEST WAS FROM

ARMY COMMUNICATIONS DIVISION SGT D. GALLAGHER UPON

ARRIVAL BT 813R VGR 8779; BT 815R VGR 8482; BT 822 VGR 8765;

BT 845R VOA 6412; & BT 841R VOA 8948 WERE SUBJECTS OF IAC

VIDEO CHECK/RETRIEVAL CHECKS OF THOSE VEHICLES REGISTERED THIS

LISTED FINDINGS: [REDACTED]

BT 813R Vint 8TPA VARIO Kuchorovo @ 20141020 215250

BT 815R VEH 8489 OPERATIONAL BEST DUE TO DISC BRON NO VIDEO RECORD

13T 822 VBA 8665 NOT GRANTED - OFFICE NOTIFIED 13548

1ST 875A 1014 6412 11000 KRON/ONED 2014 10 20 21 52 50
Bx 8410 1/2 9840 11000 KRON/ONED 2014 10 20 21 52 50

NOT GRANTED - OFFICER NOTIFIED APPLICATION
ERRON

Recovered Video Manually via Long and Returned 002/ACOD IEC System

4. 1. 1984 COPIES = 15000000.00 x 100/10000000

ON DATE THIS REPORT SUBMITTED

Page 1049

02 SUPERVISOR ASSESSING POINT NAME

TABLE 3

1. REPORTING OF FUGITIVE BASES

L. J. ARNOLD

REPORTING OFFICER (PRINT NAME)

21 AM

FIGURE 4.119

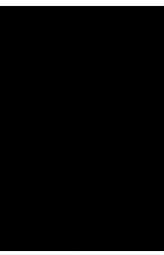


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*MUST BE COMPLETED IN ALL CASES

EXHIBIT
8
OIG

In Car Camera Video Retrieval Work Sheet

Date & Time of Notification: 20 Oct 14 2230 HRS Related HDT# OPB CMD
 Requestor: Det C1764 McNamara/Hen Tech: Boenar
 Location of response: 4100 5 PULASKI
 Type of Incident requiring retrieval: POLICE INVOLVED SHOOTING - FATAL: OFFENDER
 Location of Incident: 4100 5 PULASKI Date & Time of Incident 20 OCT 14 2147
 Related RD#, Event#, and/or CR Log#: 14X475653

Vehicles to be checked:					
813R Veh# <u>8778</u> POs PC#		* MIC DISCONNECTED 2000		215250 214218 @20141010 20214543	MHAD 30000214
815R Veh# <u>8489</u> POs PC#					
822 Veh# <u>8765</u> POs PC#					
845R Veh# <u>642</u> POs PC#				215250 @20141020 214543	cur of Form 8 MHAD 00003227
841R Veh# <u>8948</u> POs PC#				1405 NO OPEN 1405	

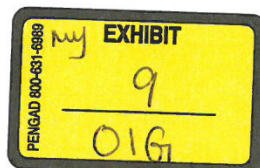
List additional Vehicle to be checked and results on back of this form

Note: Any vehicles identified to be checked, will be evaluated for operational readiness as well. Any deficiencies of the ICC System will be noted i.e. MIC(s) are not sync'd; rear camera not working; cannot upload; etc. Actions to rectify the issue should be taken to render the system FULLY FUNCTIONAL!

Notes of work or activities performed:

8778: MICs IN GLOVE BOX PORTABLES INSERTED UPSIDE DOWN
 → FULLY OK
 8489: PROCESSING VIDEOS: EXTREMELY LARGE VIDEO FILES
 8765: MICs IN CHARGING CHARGE; NOT SYNC'D TO SYSTEM
 642: NO MICs; MIC CHARGER DISCONNECTED
 8948

THIS INFORMATION DISCLOSED TO DETECTIVES, DC McNamara/Hen, & COSM
 Tech: DIST. SUPERVISORS ON SCENE
 DURING VIEWING



20 OCT 2014 , HY475653

Page 1 of 1

20 OCT 2014 , HY475653

Becvar, Lance J.

Sent: Friday, July 17, 2015 12:33 PM

To: Lewin, Jonathan H.

Cc: Dziak, Steven E.

Hello Dep Lewin,
Per your request the findings related to the Aggravated Assault / Police involved Shooting on 20 Oct 2014 Listed under RD# HY 475653:

Findings from that night-

Veh 8779 Video Recovered Titled [REDACTED] @20141020215250, No MICs because they were in the Glove Compartment with the batteries inserted upside down - Disabling them.

Veh 8489 System not engaged because a very long video (like hours long) was made previous to this event/incident and the system was processing that video and unable to start another video.

Veh 8765 System not engaged, officer related no power. There was no open HDT called in on vehicle. MICs not sync'd to system even though they were in the charging cradles.

Veh 6412 Video Recovered Titled [REDACTED] @20141020215250 view out of focus. Focusing problem found to be related to a loose cable connection for the camera. No MICs in vehicle and the charging cradles disconnected from power.

Veh 8949 System not engaged, officer reported that there was an application error - Mobile Recorder Start-Up corrupted. No Help Desk Ticket Open for this vehicle.

Sgt Lance Becvar

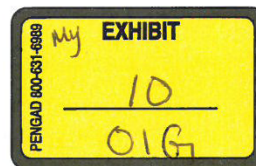
MobileTech Supervisor

Information Services Division

Chicago Police Department

Cell# 312-446-3305

E-mail: lance.becvar@chicagopolice.org



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